



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***NOVEMBER 18, 2002  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend Earl Robertson, Pastor, Roanoke First Church of the Nazarene.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, November 21, 2002, at 7:00 p.m., and Saturday, November 23, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.**

## **2. PRESENTATIONS AND ACKNOWLEDGMENTS:**

Presentation of Shining Star Awards.

Proclamation declaring the week of November 24 - 30, 2002, as Roanoke Family Week.

Presentation by The Roanoke Dazzle. Joe Preseren, Team President; Kent Davison, Head Coach; and DAZZ, Mascot.

## **3. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the regular meeting of City Council held on Monday, October 3, 2002, and recessed until Sunday, October 6, 2002.

P. 13

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P. 48

RECOMMENDED ACTION: Concur in the request.

- C-3            A communication from Council Member William H. Carder requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended. P. 49

RECOMMENDED ACTION: Concur in the request.

- C-4            A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. P. 50

RECOMMENDED ACTION: Concur in the request.

- C-5            A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended. P. 51

RECOMMENDED ACTION: Concur in the request.

- C-6            A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence by Council in the reappointment of Linda H. Bannister as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2005. P. 52

RECOMMENDED ACTION: Concur in the request.

- C-7            A communication from Christine Proffitt tendering her resignation as a member of the Roanoke Neighborhood Partnership Steering Committee. P. 53

RECOMMENDED ACTION: Accept the resignation and receive and file communication.



C-8            A communication from David Davis tendering his resignation as a member of the Special Events Committee. P. 54

RECOMMENDED ACTION: Accept the resignation and receive and file communication.

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS: NONE.**

### **6. REPORTS OF OFFICERS:**

a.     CITY MANAGER:

BRIEFINGS:

ITEMS RECOMMENDED FOR ACTION:

1.     A communication recommending execution of a lease agreement with the Department of Historic Resources for office space at Buena Vista Recreation Center, for a term retroactive to March 2002. P. 55;  
O. 65
  
2.     A communication recommending execution of a contract with the Virginia Department of Emergency Management to participate in a Regional Hazardous Materials Response Team, for a two-year term ending June 30, 2004. P. 66;  
B/O 68;  
R. 69
  
3.     A communication recommending execution of an agreement with Lawrence Reid Bechtel, d/b/a Heady Stuff Studio, to develop and create a statue memorializing fallen law enforcement officers to be located in front of the Police Department, 348 West Campbell Avenue. P. 70;  
R. 75

- |     |  |                   |
|-----|--|-------------------|
| 4.  | A communication recommending the use of competitive negotiation as the method to secure vendors to secure a company to develop City-owned property along Gainsboro Road, N. W. | P. 76;<br>R. 78   |
| 5.  | A communication recommending rejection of all bids received in connection with five side loading refuse cabs and chassis and five one-armed bandit bodies.                     | P. 80;<br>R. 82   |
| 6.  | A communication recommending appropriation of \$483,336.00 in connection with the Fifth District Employment and Training Consortium - Workforce Investment Act.                | P. 83;<br>B/O 85  |
| 7.  | A communication recommending transfer of \$60,000.00 in connection with design services for streetscape improvements to Salem Avenue, S. W.                                    | P. 87;<br>B/O 89  |
| 8.  | A communication recommending amendment to the lease agreement with Blue Eagle Partnership for use of office space for human service agencies at 1502 Williamson Road, N. W.    | P. 90;<br>O. 95   |
| 9.  | A communication recommending amendment to the Rental Certificate of Compliance Program.  | P. 96;<br>O. 98   |
| 10. | A communication recommending acceptance of a donation from the Garden City Recreation Club in connection with construction of a shelter in Garden City Park.                   | P. 105;<br>R. 113 |

## 7. REPORTS OF COMMITTEES:

- |    |  |                    |
|----|--|--------------------|
| a. | A report of the Legislative Committee transmitting the proposed 2003 Legislative Program. Council Member William H. Carder, Chair.   | P. 115;<br>R. 132  |
| b. | A communication from the Roanoke City School Board requesting appropriation of \$856,000.00 for school instructional technology funds; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson. | P. 133;<br>B/O 135 |

- c. A communication from the Roanoke City School Board requesting approval of a State Literary Fund loan application for improvements to Lincoln Terrace Elementary School, in the amount of \$1.3 million. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P. 136; R. 141; R. 142
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**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

**11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**12. CITY MANAGER COMMENTS:**

**CERTIFICATION OF CLOSED MEETING.**

**THE MEETING WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN CITY COUNCIL'S CONFERENCE ROOM FOR A BRIEFING ON RELOCATION OF UTILITIES OVERHEAD TO UNDERGROUND.**



***CITY COUNCIL/ROANOKE ARTS COMMISSION  
JOINT MEETING***

***NOVEMBER 18, 2002  
5:00 P.M.***

***EMERGENCY OPERATIONS CENTER  
CONFERENCE ROOM***

***AGENDA***

1. Call to Order.
2. Roll Call by the Roanoke Arts Commission.
3. Welcome. Mayor Ralph K. Smith.
4. Invocation/Dinner.
5. Introduction of Roanoke Arts Commission Members.
6. Historical Accomplishments of the Arts Commission.
7. Recent Accomplishments/Developments:
  - a. Per Cent for Arts Program.
  - b. Public Arts Plan.
  - c. Agency Funding Advisory Committee.

8. Future of the Arts Commission:

- a. Under Purview of Economic Development Department.
- b. Funding of Public Arts Plan and Per Cent for Arts Program.
- c. Inclusion in Budgeting Process (AFAC).
- d. More Involvement with City Council.

9. Comments by City Council Members:

- a. How will the Arts Commission prepare the envisaged public art supplement to the new Comprehensive Plan (Vision 2002-2020)? Do they have a process and a timetable in mind?
- b. How does the Arts Commission propose to proceed with the probable opportunity to provide an outdoor sculpture at the Civic Center and/or at the new stadium/amphitheatre? What are the steps that will be taken in that regard? What do they envision the role of Council to be in that process?
- c. Has the Arts Commission considered revising the City grant application guidelines for local charitable nonprofit organizations to allow them to request unrestricted operating support to fund core staff and overhead expenses as well as grants restricted to special (e.g., outreach to children) projects?
- d. Does the Arts Commission see an opportunity to provide art of some kind along the new greenway trail system? Does the definition of “art” include landscaping? What do other cities do in this regard?

10. Comments by the Roanoke Arts Commission Members.

11. Comments by the City Manager.

12. Other Business.

**THE CITY COUNCIL MEETING WILL BE DECLARED IN RECESS  
TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL  
CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL  
BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***NOVEMBER 18, 2002  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA FOR THE COUNCIL***

**Call to Order -- Roll Call.**

The Invocation will be delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

## **NOTICE:**

Tonight's meeting will be televised by RVTV Channel 3 to be replayed on Thursday, November 21, 2002, at 7:00 p.m., and Saturday, November 23, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

### **A. PUBLIC HEARINGS:**

1. Public hearing on a request of Western Virginia Foundation for the Arts and Sciences, a Virginia non-stock corporation, that a portion of Shenandoah Avenue, N. E., adjacent to Official Tax Nos. 3013603 and 3013604, be permanently vacated, discontinued and closed. Stephen W. Lemon, Attorney. P. 143;  
O. 152
2. Public hearing on a request of Michael A. Wells that the rear 25 feet x 50 feet portion of Official Tax No. 2761421 be rezoned from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner; and that the conditions set forth in Ordinance No. 32294-121994 for property located at the corner of Virginia Avenue and Westside Boulevard, N.W., designated as Official Tax No. 2761409, be repealed and replaced with new conditions. Roy V. Creasy, Attorney. P. 156;  
O. 164

### **B. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

***MOTION AND CERTIFICATION  
WITH RESPECT TO  
CLOSED MEETING***

**FORM OF MOTION:**

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

**PLEASE NOTE:**

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



## REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

October 3, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Thursday, October 3, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

CITY MANAGER-CITY PROPERTY: A request of the City Manager for a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City of Roanoke, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before Council.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City of Roanoke, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL:** A communication from Council Member William H. Carder requesting a Closed Meeting to discuss a special award being the "Shining Star" award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request to convene in a Closed Meeting to discuss a special award being the "Shining Star" award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

At 12:20 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing on the future function and appearance of City of Roanoke streets.

At 12:25 p.m., the meeting reconvened in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with all Members of the Council in attendance, Mayor Smith presiding.

**TRAFFIC-STREETS AND ALLEYS:** The City Manager introduced a briefing in connection with the future design and function of City streets, which was the topic of an August 2002 work session of Council and the City Planning Commission. She advised that the Comprehensive Plan adoption is a vehicle by which the City should continue to measure its performance and progress in making the City of Roanoke the most liveable City in the United States. She called attention to her commitment that a number of work sessions will be scheduled to provide an opportunity for Council to talk with City staff in a more informal setting regarding future policy direction activities within the City of Roanoke.

Robert K. Bengtson, Director, Public Works, presented an overview of the topic to set the stage for additional discussion, and explained the concept of the Comprehensive Plan relative to street design/function.

R. Brian Townsend, Director, Community Planning and Code Enforcement, highlighted the context of the Comprehensive Plan. He called attention to three basic policies regarding transportation; i.e.: to look at transportation issues from a regional perspective, development of transportation systems that are designed to look at the realistic approach to transportation which consists of more than just streets, pedestrians, greenways, mass transit, airport, roads, etc., and to integrate future land use with transportation planning. He advised that actions listed in the Comprehensive Plan relate to street classifications and priorities, design principles for City streets, policy actions toward development of greenways, bicycle routes and mass transit.

Council Member Bestpitch advised that he recently met with the Commissioner of the Virginia Department of Transportation (VDOT) in his capacity as Chair of the Metropolitan Planning Organization, who stated that over 80 per cent of VDOT's planning staff has, in the past, been located in Richmond and only 20 per cent in the field; therefore, VDOT is working to reverse the ratio. Mr. Bestpitch stated that one of the first new transportation planning positions will be assigned to the Staunton District, and VDOT is trying to be more open to local government involvement in land use and transportation planning.

Mr. Townsend presented views of Roanoke's street network (x-ray view), grid constraints/limitations and examples of framework and non-framework streets. He advised that the general plan indicates that Roanoke is a transportation system of interconnecting grids, and identified breaks in the grids that are either man made, or natural barriers that begin to run their way through the City of Roanoke. He reviewed a sketch of framework and non-framework streets in the City and the role they play, and noted that framework streets are important for not only the movement of through traffic, but the connection with traffic systems within the City.

Kenneth H. King, Jr., Traffic Engineer, presented examples of street crossing sections in relation to what framework and non framework streets would look like. He stated that typically on a non framework street residential properties would be located on each side of the street, sidewalks along with a certain level of planting strips, parking on both sides of the street, and a parking lane. He referred to examples of framework streets in the City of Roanoke, and presented examples of framework and non framework streets in other localities.

Mr. Bengtson referenced joint efforts of City staff; i.e.: Public Works Department, the Urban Forestry and Landscape section of the Parks and Recreation Department, Planning and Code Enforcement, Roanoke Neighborhood Partnership,

and Economic Development, all of which are addressing the specific menu of options that should be compiled into a landscaping plan; which are considered to be enhancements and amenities. He referred to such things as different pavement treatments, sidewalk treatments, street trees, benches, gateway signage, undergrounding of utilities, all of which can fit together into a landscape/streetscape plan that can serve as a menu of options for streets in the future, whether they are streetscapes or non streetscapes. He mentioned efforts of the urban forestry division that could fit into a streetscape plan; the City Planning Commission is considering overhead versus underground utilities that can also fit into a streetscape plan, and neighborhood plans should also be considered. He stated that the ultimate goal is to establish a priority order for streetscaping in concert with the Comprehensive Plan and identify those streets that have been listed in the Comprehensive Plan as streetscape priorities, whether they are Route 460, Franklin Road or Brandon Avenue, and at the top of the list would be a streetscaping plan for I-581. He called attention to City streets that require redesign, reconstruction and retrofit, and advised that 10<sup>th</sup> Street is a success story in terms of plans that are forthcoming, because 10<sup>th</sup> Street started out as a four lane route design, however, following meetings with the neighborhood organization, it was deemed necessary to scale back to a two-lane roadway because traffic volumes along 10<sup>th</sup> Street plateaued several years ago with no foreseeable growth in the future. By contrast, he stated that there are challenges in regard to breathing life into the southeast area (Bullitt/Jamison Avenues) and the best way to do so in view of a pair of two lane roads on Bullitt and Jamison Avenues that carry thousands of vehicles per day. He noted that the challenge is to effect some type of change in terms of streetscape opportunities, and how to effect a change that will manage traffic in the area. He called attention to plans of the Northwest Neighborhood Environmental Organization for developing 5<sup>th</sup> Street adjacent to the Coca Cola Plant between Gilmer and Shenandoah Avenues, N. W. He advised that Williamson Road is a framework street that recently came up on the street paving program, which presented an opportunity to rework some of the striping on the roadway, given concerns about compatibility with the Comprehensive Plan. Therefore, he stated that staff would like to reassess Williamson Road as a part of the present general discussion with Council. He explained that the Williamson Road issue to date relates to efforts regarding resurfacing and safety improvements through restriping.

In regard to funding, Mr. Bengtson advised that none of the improvements will come without a cost and will involve projects that will require either local funding, some improvements could be made through TEA-21 highway enhancement grants, and there could be opportunities to include improvements as a part of the City's paving program or sidewalk, curb and gutter program, and resources will be necessary to maintain improvements as the City increases its streetscape assets which will require a greater level of attention and funding through the City's operating budget.

#### **Discussion:**

**What is the best way to educate Council and the neighborhoods on the various options? What is in the best interest of the City and associated improvement costs?**

**There is a model that takes framework streets and applies land use, motor vehicle registration, and population, etc., and by weaving all of the information in with the street network, it is possible to create the amount of traffic volumes that can be expected on certain roads, which can also serve as a guide for the City to review trends of past performance, traffic volumes, how they match up with what has been projected, and allows City staff the opportunity to experiment.**

**The City Manager called attention to the need to focus on the land use issue and how land use affects speed, as well as the types of traffic calming and pedestrian friendly activities that might be needed. She advised that the Comprehensive Plan describes many streets that are challenges to the City as arterial streets; i.e.: Orange Avenue, Williamson Road, Bullitt/Jamison Avenues, Peters Creek Road, Brandon Avenue, Grandin Road, and Franklin Road, and the fact that the streets are categorized as arterial streets does not mean that they would have to be placed in a category that they could not be changed from arterial streets. She stated that it is hoped that today and in subsequent discussions with Council, City staff will receive clear policy guidance as to Council's priorities within the City, and those streets that Council would like City staff to target and begin to make small changes in view of the cost factor per linear foot for improvements. She stressed the importance of not taking any action in the next two to five years that the City will regret as it moves toward furthering elements of the Comprehensive Plan.**

#### **Discussion:**

**The City is currently more aware of physical fitness, bicycles and pedestrian friendly streets. There would be an advantage to looking at what other jurisdictions are experiencing.**

**The more mobile automobiles become, the less access citizens of the community will have. The Comprehensive Plan clarifies and frameworks the vision of the City of Roanoke, and the City must be careful if it continues with the suburban mentality that automobiles should be accessible at 40 - 45 miles per hour. The City should not do anything that is contrary to the Comprehensive Plan, and look at every area of the City to identify some way of traffic calming.**

The City can spend exorbitant amounts of money on housing in the Bullitt/Jamison Avenue area, but the area will be in trouble if traffic calming measures are not put in place that will at least reduce speed to the posted limit.

There is a need to review street design to the point where street design drives the speed limit(s); and street design, many times, determines land use.

Traffic counts serve no useful purpose if traffic is moving at 60 miles per hour because motorists will not stop at business establishments, therefore, speed determines whether traffic will stop at a certain point.

Those cities that talk about being pedestrian friendly and slowing down traffic also have elements in their cities that the City of Roanoke does not have; i.e.: some form of mass transit that will move persons expeditiously throughout the locality, and the City of Roanoke should look at creating a balance.

Before spending the kind of money that will be required to turn Williamson Road into a two way street, it was proposed, on an experimental basis, to close the two outside lanes on Williamson Road for one month, in order to determine the impact on traffic and outlying Williamson Road neighborhoods and businesses.

Is there a neighborhood association or business association that would volunteer an arterial street on an experimental basis in order to implement traffic calming measures?

It is agreed that the City of Roanoke must be accessible, but at what speed. All of the "Warehouse Row" projects in the world and all of the shell buildings that the City could possibly need could be constructed, but unless Roanoke is a liveable community, it will not attract technology-type persons to the area because they can live anywhere in the United States that they choose to live.

The Comprehensive Plan drafts the framework for a liveable City and the City of Roanoke should develop a plan to look at framework and non-framework streets that can be adopted by Council that will provide City staff with a clear understanding of the policy direction of the Council.

With regard to the Brandon Avenue section of the Mudlick/Edgewood intersection, why did the City construct a two way turning lane, and what does that suggest that the City should do with other projects? It

was noted by staff that the Brandon Avenue project evolved as a part of the entire Peters Creek Road process, and the City of Roanoke was not focused on the ideas that are being shared with Council today. The City Manager advised that the City could take what has been done on Brandon Avenue and embellish it in such a way that will acknowledge some of the principles that are in the Comprehensive Plan by taking portions of the center left turn lane and creating an attractive green median, or raised cross walk. It was noted that funding would be less of an issue if such items had been included when the entire project was under construction, rather than go back and make changes now.

It is necessary to strike a balance between residential and arterial routes, to provide for the needs of all citizens, to address arterial routes that get people in and out of the City, because if the City of Roanoke is not user friendly, people will not be attracted to the area. Therefore, it is important to reach a balance between the two, and certain things can be done that will provide for both.

With regard to the repaving of a portion of Williamson Road, there is a proposal to take two of the lanes and turn them into bike lanes in order to address the needs of the younger generation. Greenways are wonderful, but many citizens have stated that if there was a way to ride their bicycle to work, a greater number of persons would not drive their automobiles.

It is hoped that the City will move forward and accommodate the citizens and businesses of the Williamson Road area which are vital to the survival of the City of Roanoke.

Question was raised as to the timetable for resolving issues on Williamson Road; whereupon, the City Manager referred to a series of meetings and discussions with various community and business representatives in the area. She expressed concern that a proposed plan for Williamson Road might not take into account the findings of the Comprehensive Plan in regard to arterial routes; therefore, in August 2002, it was reported to the Council and to the community that the restriping of a portion of Williamson Road would be placed on hold pending direction from the Council as to its acceptance and/or commitment to those elements of the Comprehensive Plan relative to off streets, or whether or not staff should modify the plan. She explained that even if there is a change of opinion in regard to how to restripe Williamson Road, it would be spring 2003 before paving could begin, given the paving schedule and the limited amount of time left in the paving season. Therefore, she stated that in the intervening time, it is proposed, with direction by Council, to look at what modifications could and should be made to accommodate the area and to demonstrate more of the principles of pedestrian friendliness and traffic calming, while recognizing the responsibility to move a certain number of vehicles up and down Williamson Road in a given amount of time.

Ben Burch, III, President, Airlee Court Neighborhood Association, presented a petition signed by approximately 231 persons with regard to paving of Williamson Road. He advised that Williamson Road is past due for paving; and after 12 years, repaving was scheduled for 2001, but was delayed because restriping was an issue. He further advised that the public at large, residents and businesses were asked to respond to the City's three proposals for the project and based on those responses, the City made a decision to have a center turn lane from Angell Avenue to Hershberger Road; and Williamson Road residents request the repaving and restriping of Williamson Road as was previously scheduled and funded.

At 2:00 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 2:00 p.m., on Tuesday, October 3, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfrerd T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Catherine A. Houchins, Pastor, Metropolitan Community Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS-POLICE DEPARTMENT: The Mayor presented a Proclamation declaring the month of October 2002, as Crime Prevention Month.

PROCLAMATIONS-FIRE DEPARTMENT: The Mayor presented a Proclamation declaring the week of October 6-12, 2002, as Fire Prevention Week.

PROCLAMATIONS-BLUE RIDGE BEHAVIORAL HEALTHCARE: The Mayor presented a Proclamation declaring the week of October 6-12, 2002, as Mental Illness Awareness Week.



**PROCLAMATIONS:** The Mayor presented a Proclamation declaring the month of October 2002, as National Arts and Humanities Month.

**PROCLAMATIONS-DISABLED PERSONS:** The Mayor presented a Proclamation declaring the month of October 2002, as National Disability Employment Awareness Month.

### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

**MINUTES:** Minutes of the regular meeting of City Council held on Monday, August 19, 2002, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

**NAYS:** None-----0.

**EASEMENTS-WATER RESOURCES:** A communication from the City Manager advising that the City of Roanoke Water Division has been contacted by a developer, John Griffin, regarding Kingston Estates, a new subdivision to be constructed in Roanoke County; the main water distribution line from the Falling Creek Filtration Plant runs through the property proposed for development, which water line has existed in this location for approximately 100 years; the water line runs at a diagonal through the property, which impacts the above referenced housing layout - two houses would be less than ten feet from this line; the line is under very high pressure and could cause considerable damage to property if left in its current location; and leaving the water line in its current location would make routine or emergency maintenance very difficult, was before Council.

It was further advised that the City has requested the contractor to locate the water line in a new easement outside the lots in a dedicated water line easement; the new line and the new easement will be in place before the existing easement is

vacated; the water line relocation has been completed and is acceptable to the City's Utility Department; the contractor has requested the City to quitclaim its easement through the roads which the Virginia Department of Transportation requires in order to accept the road system for maintenance; and the City Attorney and the attorney for the developer have agreed on a Deed of Release and Dedication for the water line and the Deed of Quitclaim that is acceptable to the City of Roanoke.

The City Manager recommended, following a public hearing, execution of a Deed of Release vacating the existing water line easement, the Deed of Dedication establishing a new water line easement and a Deed of Quitclaim for the Virginia Department of Transportation for the easement through the roadway right-of-way.

Mr. Carder moved that Council concur in the request of the City Manager to schedule a public hearing on the matter. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE-OATHS OF OFFICE-CITY CLERK-CITY ATTORNEY-COMMITTEES-HOUSING/AUTHORITY-MUNICIPAL AUDITOR-TRANSPORTATION SAFETY-FIFTH PLANNING DISTRICT COMMISSION: The following reports of qualification were before Council:

William M. Hackworth as City Attorney; Jesse A. Hall as Director of Finance; Mary F. Parker as City Clerk; and Troy A. Harmon as Municipal Auditor, for the City of Roanoke, for two year terms of office, commencing October 1, 2002, and ending September 30, 2004;

Raymond Debose, Jr., as a member of the Fair Housing Board, to fill the unexpired term of Bruce L. Robinson, resigned, ending March 31, 2003;

Ben A. Burch, III, as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004; and

R. Brian Townsend as a member of the Roanoke Valley Alleghany Regional Commission, to fill the unexpired term of Evelyn S. Lander, resigned, ending June 30, 2003.

Mr. Carder moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS: NONE.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS:**

**HOUSING/AUTHORITY-GRANTS:** The City Manager introduced a briefing with regard to the “Southeast by Design” project. She advised that the purpose of the briefing was to provide a community update as the City of Roanoke embarks upon a plan for revitalization of this portion of the southeast area.

Michael Etienne, Acting Director of Housing and Neighborhood Services, advised that approximately five months ago, the City of Roanoke retained the services of Marsh Witt and Associates to develop a master plan for the “Southeast by Design” pilot project, which is located between 6<sup>th</sup> and 13<sup>th</sup> Streets, S. E. He stated that the southeast corridor is the first area selected under the City’s new neighborhood revitalization initiative, which is essentially to concentrate Federal housing funds in one neighborhood at a time in order to achieve a visible and lasting impact and to leverage investment. He explained that master planning would serve as a guide for neighborhood revitalization activity on the corridor which is referred to as “Southeast by Design.” He introduced Terrence Harrington, Director of Planning Services, Marsh Witt and Associates, to present a briefing on the master plan design.

Mr. Harrington presented a status report on the findings and recommendations of the “Southeast by Design” Community Master planning process. He advised that the goal was to prepare a master plan that could be used by the City of Roanoke and the community as a guide for community revitalization, with the primary focus on housing revitalization and housing infill; however, the plan will ultimately address community service needs, commercial infill, rehabilitation plans, and transportation needs and issues in the corridor. He noted that the project consists of the Bullitt/Jamison corridor between 6<sup>th</sup> and 13<sup>th</sup> Streets, and contains

a variety of land uses, the primary land use being single family homes consisting of approximately 111, and 35 additional multi-family structures; however, 30 of the 35 structures were at one time constructed as single family homes and through their life transition were converted into either a duplex unit or an accessory apartment. He advised that of the houses in the corridor, approximately 33 per cent represent the median housing value in the City, household incomes are approximately 50 per cent median City-wide income, 57 per cent of the units are owner-occupied compared to the City rate of 56 per cent, and most of the single family homes with the highest degree of ownership are located in those portions of the corridor east of 9th Street. He explained that 20 per cent of the land area is designated as commercial nodes, and the 9<sup>th</sup> Street commercial node and the 13<sup>th</sup> Street commercial node are designated as desirable village center areas in the Vision 2001 Plan and in the draft Belmont Neighborhood Plan. He stated that approximately ten per cent of the land area, or approximately six acres of land is vacant, and 45 vacant parcels, most of which were at one time used for housing, have been removed for a variety of reasons. He called attention to a four step process that was used over the past five months consisting of analyzing existing conditions, looking at land use patterns, ownership patterns, vacant land and vacant units (nine); and a comprehensive housing quality evaluation was undertaken looking at the external components of all 146 residential structures in the corridor by evaluating 12 different components of the property, ranging from roofs and chimneys, to windows, grounds, doors, and electricity. He added that following the evaluation, it was determined that approximately 36 of the units are below average and approximately 44 units are of average quality, and the housing quality analysis will provide a guide in terms of where to direct funding for the most immediate needs and for the most immediate benefit to the neighborhood. He stated that appropriate stakeholder interviews were conducted in an effort to gather background information on community issues and needs, a neighborhood design workshop was held on July 22 - 23, which provided an opportunity for residents and property owners to share ideas about appropriate infill design, traffic mitigation, and landscaping, etc. He advised that monthly meetings were held with the community steering team which was instrumental in setting community needs, priorities, and identifying neighborhood issues.

Mr. Harrington stated that five priorities have been identified, the top being housing rehabilitation in terms of the direction of efforts and resources; at least 44 structures are considered to be good candidates for substantial rehabilitation and at least an equal or greater number of structures are candidates for minor renovation; therefore, over one-half of the structures in the corridor would benefit from some type of community revitalization. He advised that community services were identified as a priority for the neighborhood and the project; for a number of months the neighborhood has been working to locate a health care center in the southeast corridor; residents are anxiously waiting for the opening of the police

substation which they believe will be of benefit to the corridor; and residents are hopeful that a community recreation center will be located somewhere in southeast and in the project area. He called attention to suggestions in the planning process that there be an evaluation of vacant property within the corridor to determine whether or not such community facilities could be located in the project area and, if so, vacant land should be used for the above referenced community service facilities and not for infill housing. He stated that of the 43 vacant lots, housing infill is a potential in the corridor by both public and private action. He recommended, as the City continues the process to adopt neighborhood design district standards, that infill housing be compatible by design and scale perspective with existing housing. He advised that the fourth priority was traffic and neighborhood calming; the area is a major transportation corridor for the community, with approximately 24,000 vehicles per day traveling in and out of the City through the area; therefore, recommendations involve investigation of alternatives to ensure that the streets are brought back to the neighborhood character through neighborhood calming and traffic calming technology. He explained that the fifth priority relates to commercial rehabilitation and infill and called attention to two new examples of commercial development in the corridor: Advance Store and CVS Pharmacy, with most of the other commercial properties being relatively dated and suffering from lack of landscaping and outdated signage. He called attention to numerous opportunities for housing revitalization activities and opportunities in terms of evaluating traffic and commercial uses. He referred to the following two components for implementation; i.e.: the housing component - - in the near future, Council will be requested to enter into agreements with the City of Roanoke Redevelopment and Housing Authority and Blue Ridge Housing Development Corporation to serve as lead housing agencies to implement the housing components, and Blue Ridge Housing Development Corporation will sponsor a faith-based organization, World Changers, involving approximately 350 youth who will participate in minor home activities in the corridor in the summer of 2003. He advised that three lending institutions, in addition to private leveraging being brought by the Roanoke Redevelopment and Housing Authority and Blue Ridge Housing Development Corporation, have blended activities and resources in the amount of \$1.7 million, some of which is in inkind services, publications, and actual financing. He presented copy of the non-housing component and plans of the City of Roanoke for implementation of various activities outside of housing, which lists the various City departments agencies and resources they plan to contribute for implementation of the "Southeast by Design" project.

Council Member Carder commended the work of The Reverend David Walton, Pastor, Belmont Christian Church, and the Faith Works organization. He requested an update on the complexity of the project and those City departments participating in the process.

Mr. Etienne advised that neighborhood revitalization is a complex activity because it requires not just housing, but City resources to address traffic, community health care, neighborhood planning, etc. He stated that 17 City departments have committed their resources to revitalize the community which is a major undertaking that requires not only Federal housing funds, but City resources. He expressed appreciation to those City departments that have committed approximately \$500,000.00 toward revitalization of the corridor, and explained that for every \$1.00 of Federal funds devoted to the project, the City is leveraging the project with \$4.00; therefore, the City of Roanoke is leveraging the \$1.5 million invested in the community with \$4.8 million in private funds, while continuing to work with other financial institutions to increase the leverage.

Question was raised in regard to traffic calming mitigation; whereupon, the City Manager advised that as specific plans are developed, and because the traffic challenge is particularly onerous, it may be necessary to come back to Council with regard to the traffic situation. She stated that because southeast was the first community to be addressed under the program, the next Council agenda will include a report on those neighborhoods that will be targeted following completion of the "Southeast by Design" project. She advised that it is anticipated that it will take longer than 12 months to complete the stated goals in the southeast area; therefore, it may be necessary to focus on the southeast corridor for two years, as opposed to the one year that was initially envisioned. She explained that future neighborhoods will have neighborhood plans already developed which will enable activities to be completed at a faster pace.

Mr. Etienne advised that the National Housing Design competition will be held in January, 2003 and winning designs will be used in the "Southeast by Design" pilot project. He stressed the importance that houses constructed in the community are compatible with existing housing, and winning designs from the National Housing Design competition will be used as a model for the community.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

#### **ITEMS RECOMMENDED FOR ACTION:**

**CAPITAL IMPROVEMENTS PROGRAM-ROANOKE ARTS COMMISSION-ART ACQUISITION-SCHOOLS:** The City Manager submitted a communication advising that at its regular meeting on September 3, 2002, Council received a staff recommendation regarding potential changes to current guidelines for the Percent for Art Program; at that time, Mark McConnel, Chair, Roanoke Arts Commission, presented suggested changes to the guidelines as prepared by staff; Council referred the proposed guidelines back to the City Manager for a second review in an effort to reach consensus with the Arts Commission; and subsequently, Council met with the School Board on September 16, 2002, to discuss involvement of the Schools in the Percent for Art Program.

It was further advised that guidelines have now been revised to incorporate changes suggested by the Arts Commission Chairman and Members of Council; guidelines have also been revised to reflect participation by Roanoke City Schools in the Program; and cost to begin implementation is \$192,701.00 based on one per cent of construction cost for eligible capital projects, including School projects, in the Capital Improvements Program.

The City Manager recommended that Council adopt a measure approving revised guidelines for the Percent for Art Program.

Mr. Cutler offered the following resolution:

(#36076-100302) A RESOLUTION endorsing a Percent-for-Art Program, and repealing Resolution No. 33077-081996, adopted on August 19, 1996, which adopted certain guidelines for the Percent-for-Art Program; and adopting new guidelines for the Program.

(For full text of Resolution, see Resolution Book No. 66, page 437.)

Mr. Cutler moved the adoption of Resolution No. 36076-100302. The motion was seconded by Mr. Bestpitch.

Robert Humphreys, Vice-Chair, Roanoke Arts Commission, spoke in support of the guidelines and expressed appreciation to Council and to City staff for their work. He stated that the guidelines will mark a new era for cultural enhancements in the City of Roanoke, and the Roanoke Arts Commission looks forward to working with Council and the citizens of the City of Roanoke. He explained that the Roanoke Arts Commission is in the developmental stage of a long range City wide public art plan that will involve input from City government, business leaders and citizens of Roanoke, and it is the goal of the Arts Commission that the City of Roanoke be seen as a progressive city that has its share of public art and cultural institutions and serves as a successful model for other cities to emulate.

Resolution No. 36076-100302 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

FIRST CITIES COALITION: The City Manager submitted a communication advising that Virginia First Cities is a coalition of 14 of the most fiscally stressed older cities in Virginia advocating State government policy changes that will help create a high quality of life in urban areas, and Roanoke is currently a member city; Virginia First Cities Coalition is determined to develop a more formal relationship among its member cities; a consultant was asked to prepare organizational

documents for Virginia First Cities; and it has been concluded that the structure which best suits this purpose is a Joint Powers Association, allowable by the Code of Virginia, §15.2-1300 et seq; in order for the City of Roanoke to enter into a more formal relationship among the member cities, an ordinance needs to be approved by City Council; and copy of the proposed Joint Powers Association Agreement and By-Laws was presented for Council's consideration.

The City Manager recommended that Council adopt an ordinance authorizing the City of Roanoke to enter into a Joint Powers Association Agreement, pursuant to the Code of Virginia, 1950, as amended, §15.2-1300 et seq.

Mr. Carder offered the following ordinance:

(#36077-100302) AN ORDINANCE authorizing execution of a Joint Powers Association Agreement, dated September 1, 2002, by and among the City and various local governments of the Commonwealth, for the purpose of formally establishing the Virginia First Cities Coalition, and approving the By-Laws of the Coalition, upon certain terms and conditions, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 438.)

Mr. Carder moved the adoption of Ordinance No. 36077-100302. The motion was seconded by Mr. Dowe.

Due to lobbying efforts of the Virginia First Cities Coalition, Council Member Carder called attention to a victory in regard to the street maintenance payment allocation formula, and advised that the street maintenance cost index has been increased by eight per cent, which means an additional \$253,215.00 to the City of Roanoke.

Council Member Bestpitch inquired if the Joint Powers Association Agreement is in draft format; whereupon, the City Attorney advised that the City has not received the final version of the agreement. Mr. Bestpitch called attention to instances in the draft agreement where it states, "take such other legal actions as are appropriate", and suggested that the word "lawful" be used in lieu of "legal", since legal action means taking one to court and lawful action means doing those things that are within the law, or not specifically against the law.

Mr. Bestpitch also inquired about discussions in regard to membership cost for localities; whereupon, the City Manager advised that current members pay an annual fee and there is no indication at this time that the annual fee will increase. She stated that any change would have to be presented to the member organization



in the spring of the year for adoption/incorporation into the annual operating budget and any change would be effective at the beginning of each fiscal year. She advised that currently, no increased cost is proposed; however if the annual fee increases in the future, member localities would have the opportunity to address the matter prior to enactment. She added that there are ways within the confines of the agreement to withdraw from the organization, should the locality determine the annual fee to be onerous at any point in time.

Mr. Bestpitch advised that the By-Laws speak to the designated elected official or alternate, and the designated administrative official or alternate; however, the agreement does not identify a process by which those individuals are to be appointed. The City Manager explained that it is at the discretion of the individual member localities to determine their membership; Council Member Carder was reaffirmed on July 1, 2002, as the Council's designated representative and the administrative official has typically been the City Manager of each of the participating jurisdictions.

Mr. Bestpitch suggested that the City Manager report to Council with regard to formalizing the process for appointing the designated representative and alternate, and the designated administrative official and alternate.

There was discussion with regard to listing the names of specific individuals assigned to the various offices in the Joint Powers Association Agreement; whereupon, the City Attorney clarified a requirement in the Commonwealth of Virginia that when a new corporation files its initial Articles of Incorporation, it is appropriate to name the initial officers, which are later subject to change.

Ordinance No. 36077-100302 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt  
and Mayor Smith-----7.

NAYS: None-----0.

**HEALTH DEPARTMENT-BUDGET-HUMAN DEVELOPMENT-GRANTS:** The City Manager submitted a communication advising that the Roanoke Department of Social Services and the State Department of Social Services entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be located at the Roanoke Health Department, to ensure that all citizens have an opportunity to apply for Medicaid; the Agreement remains in effect until modified by mutual consent or operation of law; there is no local cost for the position; approximately 50 per cent of the cost is reimbursed from Federal Medicaid administrative funds, and the Health Department reimburses the remaining cost; and the Roanoke Health Department wishes to continue the service.

The City Manager recommended that she be authorized to execute a contract between the City of Roanoke, the State Health Department, and the Virginia Department of Social Services, such agreement to be approved as to form by the City Attorney, to continue the services of the outstationed Eligibility Worker at the Health Department, in accordance with the original agreement; and that Council appropriate \$34,678.00 for fiscal year 2002-03 to revenue and expenditure accounts to be established by the Director of Finance, as follows:

Salary	\$27,203.00
City Retirement	1,700.00
ICMA Match	650.00
FICA	2,081.00
Health Ins.	2,748.00
Dental Ins.	202.00
Disability Ins.	94.00

Mr. Bestpitch offered the following budget ordinance:

(#36078-100302) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 440.)

Mr. Bestpitch moved the adoption of Ordinance No. 36078-100302. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36079-100302) A RESOLUTION authorizing the City Manager to execute, on behalf of the Department of Social Services, an Agreement between the Roanoke City Department of Social Services, the State Health Department and the Virginia Department of Social Services for the continued services of an Eligibility Worker at the Health Department, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 66, page 441.)

Mr. Dowe moved the adoption of Resolution No. 36079-100302. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**SIGNALS AND ALARMS-TRAFFIC:** The City Manager submitted a communication advising that the Virginia Department of Transportation (VDOT) approved an application from the City of Roanoke in 1998 for installation of railroad crossing gates on Norfolk Avenue, west of 3rd Street, S. E, which location is presently controlled by flashing lights; funding to install the new gates and replace the flashing lights is 90 per cent Federal and ten per cent local; VDOT allows 98 per cent of the local share to be funded from Roanoke's annual allocation of urban construction funds; of the \$329,400.00 estimated for the project, Roanoke will be left with a direct cost of \$658.80 (0.2 per cent of total cost); and existing operating accounts within the Transportation Division of the Department of Public Works can fund the City of Roanoke's share of this project.

It was further advised that an agreement between the City of Roanoke, the Commonwealth of Virginia and the Norfolk Southern Railway Company has been prepared and provided to the City for execution; in addition to construction cost, there is an annual maintenance fee of \$987.50 for which the City of Roanoke will be responsible, which likewise can be funded from the Transportation Division's operating accounts; and authority is needed for the City Manager to execute the agreement on behalf of the City of Roanoke.

The City Manager recommended that she be authorized to execute, on behalf of the City of Roanoke, an agreement with the Commonwealth of Virginia and the Norfolk Southern Railway Company.

Mr. Harris offered the following resolution:

(#36080-100302) A RESOLUTION authorizing execution of an agreement between the City and the Commonwealth of Virginia, Department of Transportation, and the Norfolk Southern Railway Company, said agreement relating to the installation of flashing light signals and short arm gates at the crossing of Norfolk Avenue.

(For full text of Resolution, see Resolution Book No. 66, page 442.)

Mr. Harris moved the adoption of Resolution No. 36080-100302. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**POLICE DEPARTMENT-BUILDINGS/BUILDING DEPARTMENT-BUDGET:** The City Manager submitted a communication advising that in January 2002, a contract for consulting services between the City of Roanoke and Ronald M. Martin & Associates, P.C., t/a Martin & Associates, P.C., for the Police Building project – Phase II, was terminated for cause based on the consultant's inability to maintain the project schedule and due to the loss of key personnel within its organization; and upon termination, the City paid approximately \$63,000.00 for services rendered to date.

It was further advised that in January 2002, a Request for Proposals to solicit professional architectural and engineering services to complete the Phase II portion of the Police Building project was publicly advertised; and the City received proposals from four architectural-engineering design firms, with the firm of Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley being selected as the best qualified to provide the required services.

It was stated that City staff has negotiated an acceptable agreement for the above referenced work with Rodriguez Ripley Maddux Motley, for a lump sum fee of \$345,000.00, which includes all normal ("basic") architectural/engineering design, bid and construction phase services; cost for project design has increased due to introduction of a new consultant; the new consultant will also assist the City in preparation of several development options related to the proposed site, which services were not included in the previous scope of work; total funding in the amount of \$375,800.00 is needed for the project; funding in excess of the contract amount is needed to support advertising expenses, reproduction of bid documents, and other unforeseen project expenses; and funding is available in the following accounts:

<u>Name</u>	<u>Account Number</u>	<u>Amount</u>
New Police Building Construction	008-052-9563	\$ 34,000.00
Police Building Design	008-052-9564	201,000.00
Capital Improvement Reserve	008-052-9575-9173	<u>140,000.00</u>
		<u>\$ 375,800.00</u>

The City Manager recommended that she be authorized to execute a Contract for Consultant Services for the above referenced work with Cederquist Rodriguez Ripley, P.C., d/b/a Rodriguez Ripley Maddux Motley, in the amount of \$345,000.00; that Council transfer \$34,000.00 from Account No. 008-052-9563, New Police

Building Construction, \$201,800.00 from Account No. 008-052-9564, Police Building Design, and \$140,000.00 from Account No. 008-052-9575-9173, Capital Improvements Reserve, to an account to be established by the Director of Finance entitled, Police Building Design – Phase II.

Mr. Harris offered the following ordinance:

(#36081-100302) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 443.)

Mr. Harris moved the adoption of Ordinance No. 36081-100302. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

(#36082-100302) A RESOLUTION authorizing a contract with Cederquist Rodriquez Ripley, P. C., d/b/a Rodriguez Ripley Maddux Motley, for architectural and engineering services for the Police Building Project - Phase II.

(For full text of Resolution, see Resolution Book No. 66, page 444.)

Mr. Bestpitch moved the adoption of Resolution No. 36082-100302. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-FIRE DEPARTMENT-EMERGENCY MEDICAL SERVICES:** The City Manager submitted a communication advising that the Assistance to Firefighters Grant Program is designed as an opportunity for the United States Congress to work with the Federal Emergency Management Agency (FEMA) to enhance basic fire service delivery across the United States; over 19,000 fire departments applied for grant awards this year; however, 5,000 departments will receive the allotted \$360 million to support fire protection, EMS delivery, vehicle purchase, and prevention programs in 2002.

It was further advised that the Federal Emergency Management Agency and the United States Fire Administration recently announced that the Roanoke Fire-EMS Department has been awarded a \$624,840.00 grant from the 2002 Assistance to Firefighters Grant program; the total award package includes a local match of 30 per cent, totaling \$187,452.00, which is budgeted in Account No. 001-520-3213-9132; the grant was authored and submitted in collaboration with Randall Funding and Development, Inc., the firm with which Council authorized execution of a contract for grant writing services earlier this year; and to date, not inclusive of matching funds, \$570,388.00 in grant funding (\$15,000.00 non-monetary) has been generated to the City through the contract, at a cost of \$121,000.00 for two years.

It was explained that the award will be used by the Fire/EMS Department for support in Fire Operations and Firefighter Safety; specifically, the award will be used to acquire new firefighting equipment in the form of Rapid Intervention Team (RIT) kits and to update personal protective equipment by replacing old and obsolete air packs.

The City Manager recommended that Council authorize acceptance of the grant award; authorize the City Manager to execute the required grant agreement and any other related documents, and establish appropriate revenue and expenditure estimates in the Grant Fund in accounts to be determined by the Director of Finance; and approve transfer of the City's match, in the amount of \$187,452.00, from Account No. 001-520-3213-9132, to Transfers to Grant Fund account.

Mr. Dowe offered the following ordinance:

(#36083-100302) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 445.)

Mr. Dowe moved the adoption of Ordinance No. 36083-100302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

**(#36084-100302) A RESOLUTION authorizing the acceptance of a certain Assistance to Firefighters Grant from the Federal Emergency Management Agency, and authorizing execution of any required documentation on behalf of the City.**

**(For full text of Resolution, see Resolution Book No. 66, page 446.)**

**Mr. Bestpitch moved the adoption of Resolution No. 36084-100302. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**CITY ATTORNEY:**

**BUDGET-LEGISLATION-SCHOOLS: The City Attorney submitted a written report advising that at the Council meeting on September 16, 2002, after reviewing a Virginia Education Association resolution concerning the educational funding crisis in the Commonwealth of Virginia, Council referred the matter to the City Attorney for preparation of a resolution for consideration by Council; whereupon, in accordance with the request of Council, he transmitted a resolution expressing the City Council's concerns regarding the educational funding crisis in the Commonwealth of Virginia.**

**Ms. Wyatt offered the following resolution:**

**(#36085-100302) A RESOLUTION declaring the educational funding crisis in the Commonwealth to be of paramount importance to the City, its residents and its school children.**

**(For full text of Resolution, see Resolution Book No. 66, page 447.)**

**Ms. Wyatt moved the adoption of Resolution No. 36085-100302. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

**DIRECTOR OF FINANCE:**

**DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of July, 2002.**

The Director of Finance pointed out that sales tax is up by 1.6 per cent compared to a year ago, which is positive because the sales tax was previously declining on a month to month basis. He stated that he has been working with cell phone companies to better identify the locality of residence of an individual cell phone customer, and the method by which the cell phone company divides the cell phone tax. He advised that prior to closing the fiscal year on June 30, 2002, the City received a payment from a major cell phone company of approximately \$400,000.00, with the understanding that on a monthly basis, the City of Roanoke is owed a major share of cell phone tax collections in the Roanoke Valley. He stated that everyone is anxiously awaiting news from the Governor on proposed State budget reductions, and the City Manager has identified several measures to be taken by the City in anticipation of State funding reductions.

There being no questions and without objection by Council, the Mayor advised that the Financial Report would be received and filed.

**REPORTS OF COMMITTEES: NONE**

**UNFINISHED BUSINESS: NONE.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

**VIRGINIA MUNICIPAL LEAGUE-CITY COUNCIL:** Mr. Cutler offered the following resolution designating William D. Bestpitch as Voting Delegate, and William H. Carder as Alternate Voting Delegate, for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League, and designating the City Manager as the Staff Assistant for any meetings of the Urban Section to be held on Tuesday, October 22, 2002, in Norfolk, Virginia:

(#36086-100302) A RESOLUTION designating a Voting Delegate and Alternate Voting Delegate for the Annual Business Session and meetings of the Urban Section of the Virginia Municipal League and designating a Staff Assistant for any meetings of the Urban Section.

(For full text of Resolution, see Resolution Book No. 66, page 449.)

Mr. Cutler moved the adoption of Resolution No. 36086-100302. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.

**NAYS:** None-----0.



**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**WATER RESOURCES:** Council Member Dowe referred to a recent newspaper article regarding lead poisoning, and inquired if there is anything that can be done to decrease and eventually eliminate lead poisoning and arsenic levels in the City's water supply.

**DECEASED PERSONS:** Council Member Dowe called attention to the passing of Ms. Lola Morgan, a long time resident of the City of Salem, and requested that the Morgan family be remembered in prayer.

**CITY COUNCIL-LANDMARKS/HISTORIC PRESERVATION:** Council Member Carder commended Vice-Mayor Harris on his book entitled, Roanoke In Vintage Postcards, which chronicles the history of the City of Roanoke and its architecture through postcards.

**COMPLAINTS-CITY COUNCIL-COMMUNITY PLANNING:** Council Member Wyatt expressed concern with regard to the proliferation of tattoo parlors in the Williamson Road area. She advised that the City Attorney has provided the City Planning Commission with a draft measure to address the matter and requested that the City Manager expedite the process through the City Planning Commission for presentation to Council as soon as possible.

The City Manager advised that the process could be expedited by approximately six weeks if the Council and the City Planning Commission hold a joint public hearing; therefore, she would refer the matter to the Director of Community Planning and Code Enforcement.

**GRANDIN THEATER:** Vice-Mayor Harris advised that the grand opening of the Grandin Theater will be held on Sunday, October 20, 2002. He further advised that some Members of Council will be out of the City on October 20; therefore, the Executive Director of the Grandin Theater will be available to provide tours for those Members of Council who cannot attend the grand opening. He expressed appreciation to Council for its support of the Grandin Theater project, which was a public/private partnership to save and renovate a historical theater in the Roanoke community. He advised that on October 20, 2002, the Grandin Theater will come back on the City's tax roles as a tax paying corporate citizen of the community.

**YOUTH:** The Mayor presented remarks with regard to the White House Conference on "Missing, Exploited and Runaway Children", which he attended on Wednesday, October 3, 2002, in Washington, D. C. He advised that the Conference was attended by the President of the United States and Mrs. Bush, the Attorney General, a

majority of the President's Cabinet, the Director of the Federal Bureau of Investigation, the Secretary of Education, the Secretary of State, and John Walsh, host of America's Most Wanted, all of whom were present to emphasize the seriousness of the matter. He stated that many persons were in attendance who had experienced such tragedies in their lives; whereupon, the Mayor called attention to the importance of supporting those organizations that would prevent this type of tragedy from happening in the Roanoke Valley.

**SPORTS ACTIVITIES:** Council Member Wyatt advised that the Roanoke Express hockey team recently held its first game with Richmond and the second expedition game for this season will be held this evening at the Ice Station. She encouraged citizens to support their home town hockey team.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.

No citizens signed up to speak.

**CITY MANAGER COMMENTS:**

**GRANDIN THEATER:** The City Manager advised that she had an opportunity to tour the newly renovated Grandin Theater, and the community will be pleased with the changes that have been made to the facility.

**CITY COUNCIL-CITY INFORMATION SYSTEMS:** In view of time constraints, the City Manager withdrew a briefing on technology which was previously scheduled to be held following the 2:00 p.m. session of City Council.

At 4:10 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing on a traffic management study.

At 4:15 p.m., the Council meeting reconvened in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a briefing on a traffic management study.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-7.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

**TRAFFIC-ROANOKE CIVIC CENTER:** The City Manager introduced an overview of the traffic management study that addresses parking and traffic issues related to expansion of the Roanoke Civic Center and construction of the new stadium/amphitheater on Orange Avenue, N. W. She advised that both projects are anticipated to be bid shortly after January 1, 2003, with the goal of achieving certain economies through the potential of a single contractor. She introduced Paul Anderson, representing the firm of Hayes, Seay, Mattern and Mattern; Joe Wallace, representing the firm of Weldon Smith Associates; and Kenneth H. King, City of Roanoke Traffic Engineer, members of the team that worked on the traffic management plan. She advised that Mr. Anderson would address the traffic study which covered numerous Roanoke intersections, the proposed management plan for addressing traffic at the Civic Center and any major event in the downtown area, and experiences with regard to two recent large events at the Roanoke Civic Center.

Mr. Anderson addressed the impact of additions/improvements to the Civic Center and construction of a new stadium/amphitheater on Orange Avenue. He stated that traffic must be viewed differently for a venue of this type, as opposed to normal development such as an office park/building, etc., in that there will not be a lot of traffic most of the time; however, when events are held, there will be a large volume of traffic, demanding a large amount of parking spaces. Additionally, he noted that expectations for those persons exiting the facility will be different than for the average development that has week day traffic five days a week throughout the year.

He explained the data gathering phase of the study which involved talking with persons familiar with the operation of civic centers, interviews with stakeholders in the project, and reviewing actual events during the study process. He stated that impacts of the site are not going to be felt at just the Williamson Road/Orange Avenue site alone, but at other major venues and arterials of Williamson Road/Orange Avenue, and as far out as Hershberger Road could be affected when there is a need to route traffic for large events.

He called attention to the method of reviewing traffic, from a typical Friday night hockey game, to a sell out concert at the stadium/amphitheater; therefore, it was decided to review seven different scenarios; i.e.: a major event with a sell out at both sites at the same time, a major event at the civic center, a major event at the stadium/amphitheater, normal events at the civic center and stadium/amphitheater, or those kinds of events that happen 10 - 20 times a year such as a high school football game, and minor events at both sites; i.e.: what happens when there is a high school football game and a hockey game going on at the same time.

He advised that a traffic management plan involves taking the tools that the City has at its disposal and coordinating those tools with traffic in the area, because there is a lot of capacity to bring people to the site, through the use of exit ramps, and parking on the two sites; however, there will not be sufficient parking at either site to handle all vehicles at a sell out event; therefore, the question becomes where will patrons park. He called attention to a large amount of downtown parking which could be utilized with accompanying shuttle bus operations that will serve as the backbone of the traffic

management plan; the need for improved communication with patrons through the use of variable message signs that will advise patrons of the status of the parking lots and directions to nearby parking garages; and temporary signs will be set up on barricades and permanent signs will be flipped up or down depending on whether a shuttle is available. He stated that there should be better communication between parking lot attendants so that they will know when the parking lots are full, the civic center roof top has been used to observe traffic for two recent events, and will continue to be used with appropriate staff and video cameras, and video cameras can be used for security purposes as well. He called attention to the need to accommodate the shuttle bus operations to ensure that they are not detained in traffic, waiting for traffic lights to change, or waiting for vehicular traffic to move on, all of which can cause efficiency to go down. He referred to the need to establish a temporary traffic management center to manage the various agencies involved in an event such as police, civic center on site parking staff, coordination with the Virginia Department of Transportation in regard to message signs on I-581, and Valley Metro staff. He also called attention to the importance of the pedestrian bridge which is intended to link the civic center and the stadium/amphitheater sites, and the need for meetings in order to coordinate plans so that everyone involved is working from one plan.

Kenneth H. King, Traffic Engineer, discussed pre planning traffic management at two recent civic center events; i.e.: the Down From the Mountain concert which was almost a sell out and the Elton John concert which was a sell out. He reviewed management measures that were implemented for both events, including shuttle buses, vehicular parking in the Gainsboro, Church Avenue and Williamson Road parking decks, variable message signs at certain peripheral locations, directions to the various parking decks for those persons who are not familiar with the Roanoke area, a parking attendant who greeted individuals as they exited shuttle buses to remind patrons to remember which shuttle they took and which parking deck they used, and shuttle bus operators communicated over radios with civic center patrons.

Mr. King called attention to measures that were taken to keep a clear corridor for the shuttle bus operation by working with public safety staff and civic center staff to maintain a free flow of traffic, bus priority loop, certain street intersections were chosen where staff could restrict movement and intersection lights were placed on flashing, while other intersections were moved by police control. He advised that each event will be different or unique and will require coordination with the various parties involved; therefore, the key component is pre planning coordination and cooperation with other affected City departments. He stated that the goal of the City is to make shuttle bus operations as attractive, if not more so, than actually driving to the site, because those persons driving to the site create the greatest demand on the system. He called attention to the need to reduce congested traffic points, reroute traffic around congested points, utilize off site parking to its greatest advantage, improve shuttle ramps and efficiency of the shuttle loop, enhance on-street traffic control, effective

communication by staff which will involve all persons working from the same game plan, and staff will have to be proactive and take control of the traffic in order to manage traffic and prevent traffic congestion.

Mr. Lawrence called attention to the importance of coordination of traffic signals for successful traffic management, which can be a 24 hour a day, seven days a week project, and can be used in those instances when an event is not taking place at the civic center and/or stadium/amphitheater and can also be implemented in the event of a traffic accident when traffic needs to be detoured. Also, he indicated that some of the variable message signs that are currently temporary could be made permanent so that they are available for these types of occurrences. He advised that by virtue of sending the parking downtown, an economic spin-off is created for the downtown area; and civic center events are not competing with, but complimenting downtown, i.e.: a patron comes from work, leaves their vehicle parked in its same location, goes to dinner in the downtown area, takes a shuttle bus to the civic center, returns to the downtown area after the event, and takes advantage of activities in the City Market area.

The City Manager advised that the recommendations have applicability to the entire City, and civic center and stadium/amphitheater parking can, in the future, serve as locations to park vehicles when there are major events in the downtown area; therefore, the kinds of tools that will be used for parking can be applied to different scenarios.

Council Member Dowe suggested the use of pre-recorded am radio messages for civic center and stadium/amphitheater patrons to monitor the parking/traffic situation via their car radios, which would enable them to take advantage of alternate routes prior to approaching a multiple message sign.

It was noted that part of the overall publicity package could be the provision of flyers with ticket purchases containing information on available parking and shuttle bus service; and messages could be posted on the City's web-site.

Question was raised as to traffic management for the amphitheater and sports complex; whereupon, Mr. Anderson advised that it is not proposed to widen Williamson Road, but it is envisioned that temporary signage will be used to indicate that through traffic should stay to the right and event traffic should remain in the left lane, and Wayne Street will be used as the main entrance. By using a map of the area, he explained how traffic will enter and exit the stadium/amphitheater complex.

Council Member Wyatt suggested a type of color coding for shuttle buses that could be linked to a certain garage/parking deck.

Upon question, the City Manager advised that currently, the Civic Center parking lot is used by City employees for parking, which has freed up approximately 300 parking spaces in downtown; however, City staff is looking at other distant lots because the Civic Center parking lot cannot be filled up during the day due to day time events that need parking accommodations. She stated that as soon as another distant lot is identified, a shuttle service to downtown will be initiated and Downtown Roanoke, Inc., has expressed an interest in participating in the employee shuttle bus program.

The Mayor suggested that Center in the Square and First Union Tower Parking decks also be used for parking for civic center and stadium/amphitheater events, which would also create a spinoff for restaurants in the City Market area.

There was discussion in regard to costs associated with the traffic management plan in which the City Manager advised that in most communities traffic management is a shared cost between the promoter and the facility; i.e.: the event may require the use of police officer's, but police officers would be paid from a budget other than the City's police budget, and shuttle buses could be funded from a combined promoter fund and/or civic center budget.

(Council Member Bestpitch left the meeting at 5:10 p.m.)

(Council Member Dowe left the meeting at 5:20 p.m.)

At 5:25 p.m., the Mayor declared the meeting in recess for three Closed Sessions which were previously approved by Council.

At 6:00 p.m., the Council meeting reconvened in the City Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with all Members of the Council in attendance, except Council Members Bestpitch and Dowe, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Harris moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Carder, Cutler, Harris, Wyatt and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Bestpitch and Dowe were absent.)

**OATHS OF OFFICE-COMMITTEES-INDUSTRIES:** The Mayor advised that the term of office of Dennis R. Cronk and Stark H. Jones as members of the Industrial Development Authority will expire on October 20, 2002, and called for nominations to fill the vacancies.

Mr. Harris placed in nomination the names of Dennis R. Cronk and Stark H. Jones.

There being no further nominations, Messrs. Cronk and Jones were reappointed as Directors of the Industrial Development Authority, for terms ending October 20, 2006, by the following vote:

**FOR MESSRS. CRONK AND JONES:** Council Members Carder, Cutler, Harris, Wyatt and Mayor Smith-----5.

(Council Members Bestpitch and Dowe were absent.)

**OATHS OF OFFICE-TRAFFIC-COMMITTEES-TRANSPORTATION SAFETY:** The Mayor advised that there is a vacancy on the City of Roanoke Transportation Safety Commission, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of David Fifer.

There being no further nominations, Mr. Fifer was appointed as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004, by the following vote:

**FOR MR. FIFER:** Council Members Carder, Cutler, Harris, Wyatt and Mayor Smith-----5.

(Council Members Bestpitch and Dowe were absent.)

**OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION:** The Mayor advised that there is a vacancy on the Roanoke Arts Commission, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Betty Branch.

There being no further nominations, Ms. Branch was appointed as a member of the Roanoke Arts Commission, for a term ending June 30, 2005, by the following vote:

**FOR MS. BRANCH:** Council Members Carder, Cutler, Harris, Wyatt and Mayor Smith-----5.

(Council Members Bestpitch and Dowe were absent.)

**ZONING-Y. M. C. A.:** The City Manager submitted a communication advising that the City of Roanoke owns approximately 1.99 acres of land in the block bounded by Fifth Street, Campbell Avenue, Sixth Street, and Luck Avenue, S. W., designated as Official Tax Nos. 1113401, 1113408, 1113409, 1113410, 1113411, 1113412, 1113414, 1113418, and 1113419; the only structures on said properties are the Jefferson Center (located on Official Tax No. 1113401) and the Jefferson Gym (located on Official Tax No. 1113414), and the remaining parcels are currently used for parking; the YMCA of Roanoke Valley, Inc., owns approximately 0.902 acre in the same block, identified as Official Tax Nos. 1113415, 1113416, 1113417, 1113420, 1113421, 1113422, 1113423, 1113424, and 1113425; and said parcels are currently used for parking and zoned C-1, Office District.

It was further advised that the YMCA of Roanoke Valley has developed plans for a new central branch facility that involves participation by the City of Roanoke; the proposed project is consistent with the Jefferson Center Initiative of Roanoke Outlook Update, the downtown component of the City's Comprehensive Plan; and in order to accommodate moving forward with the project, the City needs to enter into a rezoning petition with the YMCA to rezone said properties from C-1, Office District, to C-3, Central Business District.

The City Manager recommended that she be authorized to jointly file with the YMCA of Roanoke Valley, Inc., an application with the City Planning Commission to request that the above described parcels of real estate be rezoned from C-1, Office District, to C-3, Central Business District.

Mr. Carder offered the following resolution:

(#36087-100302) A RESOLUTION authorizing the filing of a petition to rezone property which is owned by the City of Roanoke and which is designated as Official Tax Nos. 1113401, 1113408, 1113409, 1113410, 1113411, 1113412, 1113414, 1113418 and 1113419.

(For full text of Resolution, see Resolution Book No. 66, page 450.)

Mr. Carder moved the adoption of Resolution No. 36087-100302. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Carder, Cutler, Harris, Wyatt and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Bestpitch and Dowe were absent.)



**BUDGET-WATER RESOURCES:** The City Manager submitted a communication advising that on February 4, 2002, Council declared that a water supply emergency existed and instituted water conservation measures, which continue as of this date; on April 15, 2002, Council further declared the existence of an emergency in connection with obtaining design services and construction work for certain projects to obtain additional sources of water to increase the City's water supply to assist in dealing with the City's water supply emergency; one of the projects was modified by Council on July 1, 2002, to allow for a temporary filtration system at Crystal Spring; two of the three projects have been completed and the third project is currently underway; since approval of the emergency water supply projects, rainfall has continued to avoid the Carvins Cove Reservoir and watersheds and the City's water reserves continue to drop; and as of September 23, 2002, the level of Carvins Cove Reservoir was 33.6 feet below the spillway, and 4.4 feet below the lowest recorded level.

The City Manager further advised that staff has determined that it is imperative to expedite additional projects to continue to provide water to the City's customers and to extend the life of the Carvins Cove Reservoir; staff requests that deviations to the normal procurement methods be allowed in order to fast track the projects; staff recommends exploration and development of additional well sites utilizing and extending the current contract with Golder Associates Inc., of Richmond, Virginia; estimated cost for additional well sites is \$500,000.00, based on the degree of complexity to evaluate the viability of wells; staff further recommends additional infrastructure water line construction to bring water from the Roanoke County system to the City from the Loch Haven service district, at an estimated cost of \$1,000,000.00, which is expected to yield three million gallons; balance of remaining funds may be used for other water line projects; and if real property needs to be acquired for any of the projects, approval by Council will be requested.

The City Manager recommended that Council appropriate \$500,000.00 from Water Fund retained earnings to Account No. 002-530-8408-9003 – Well Supplements, to provide for exploration, design and construction of additional well projects as above described; appropriate \$1,000,000.00 from Water Fund retained earnings to an account to be established by the Director of Finance, to provide for design and construction of an additional water line(s) as above described, appropriate \$140,000.00 from Water Fund retained earnings to Account No. 002-530-8413-9003 – Crystal Spring Temporary Filtration, to provide for continuation of use of the system, replacement filters and additional monthly lease cost on equipment until the permanent facility is placed on line; that Council declare that an emergency exists within the meaning of §41 of the City Charter and authorize the City Manager to make emergency improvements without following the normal procurement methods, to the extent reasonably necessary for the above referenced projects; authorize the City Manager to negotiate directly with Golder Associates to provide additional consulting and well drilling services and to take such further action, or to execute such documents as may be necessary, to implement and

administer additional well development projects as above referenced, within the above estimated cost; and authorize the City Manager to negotiate and contract directly with appropriate entities to provide and obtain design, construction, equipment, and related work to develop additional infrastructure water line(s) to bring additional water from the Roanoke County system to the City system from the Loch Haven service district as above referenced, within the above estimated cost.

Mr. Harris offered the following budget ordinance:

(#36088-100302) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 451.)

Mr. Harris moved the adoption of Ordinance No. 36088-100302. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Carder, Cutler, Harris, Wyatt and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Bestpitch and Dowe were absent.)

Mr. Carder offered the following ordinance:

(#36089-100302) AN ORDINANCE declaring the existence of an emergency in connection with obtaining certain design services, the lease and/or purchase of equipment, and construction work for certain projects to try to obtain additional sources of water to increase the City's water supply to help with the City's water supply emergency that was declared on February 4, 2002, by Ordinance No. 35741-020402; providing that due to the need to expedite such projects, the normal procurement method of advertising, conducting competitive negotiations, and/or competitive sealed bidding be dispensed with to the extent reasonably necessary; authorizing the City Manager to take such further action and to execute such documents as may be necessary to implement and administer such projects; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 452.)

Mr. Carder moved the adoption of Ordinance No. 36089-100302. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES: Council Members Carder, Cutler, Harris, Wyatt and Mayor Smith-----5.**

**NAYS: None-----0.**

**(Council Members Bestpitch and Dowe were absent.)**

**At 6:15 p.m., the Mayor declared the meeting in recess to be reconvened on Sunday, October 6, 2002, at which time the seven Members of Council will participate in the 2002 Roanoke Valley Leadership Trip on October 6 - 8, 2002, in Charleston, South Carolina, coordinated by the Coalition for Economic Development.**

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker  
City Clerk**

-----

**Ralph K. Smith  
Mayor**



**RALPH K. SMITH**  
Mayor

**CITY OF ROANOKE**  
**OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452  
ROANOKE, VIRGINIA 24011-1594  
TELEPHONE: (540) 853-2444  
FAX: (540) 853-1145

November 18, 2002

The Honorable Vice-Mayor and  
Members of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

I wish to request a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith", is written over a horizontal line.

Ralph K. Smith  
Mayor

RKS:sm



**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members:**  
William D. Bestpitch  
William H. Carder  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
C. Nelson Harris  
Linda F. Wyatt

November 18, 2002

The Honorable Mayor and Members of  
the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink that reads "Bill Carder".

William H. Carder  
Council Member

WHC:sm



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 18, 2002

The Honorable Mayor and Members of City Council  
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent.

Darlene L. Burcham  
City Manager

DLB/f

c: William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk



**WILLIAM M. HACKWORTH**  
CITY ATTORNEY

**CITY OF ROANOKE**  
**OFFICE OF CITY ATTORNEY**  
464 MUNICIPAL BUILDING  
215 CHURCH AVENUE, SW  
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431  
FAX: 540-853-1221  
EMAIL: [cityatty@ci.roanoke.va.us](mailto:cityatty@ci.roanoke.va.us)

**ELIZABETH K. DILLON**  
**STEVEN J. TALEVI**  
**GARY E. TEGENKAMP**  
**DAVID L. COLLINS**  
**HEATHER P. FERGUSON**  
ASSISTANT CITY ATTORNEYS

November 18, 2002

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to consult with legal counsel on a matter of pending litigation, pursuant to §2.2-3711.A.7, Code of Virginia (1950), as amended.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William M. Hackworth".

William M. Hackworth  
City Attorney

WMH:f

cc: Darlene L. Burcham, City Manager  
Mary F. Parker, City Clerk



# Blue Ridge Behavioral Healthcare

William L. Lee *Chairman*  
 Rita J. Gliniecki *Vice Chairman*  
 John M. Hudgins, Jr. *Treasurer*  
 Meredith B. Waid *Secretary*  
*Executive Director*  
 S. James Sikkema, LCSW

RECEIVED  
CITY CLERKS OFFICE

'02 NOV 12 P5:00

November 8, 2002

Ms. Darlene L. Burcham  
 City Manager  
 City of Roanoke  
 215 Church Avenue, SW  
 Roanoke, VA 24011

Dear Ms. Burcham:

According to our records, the current term of Ms. Linda H. Bannister as an at-large representative on the Blue Ridge Behavioral Healthcare Board of Directors will expire on December 31, 2002.

According to §37.1-196 of the Code of Virginia as amended in 1998, Community Services Board members are eligible for three full three-year terms. We respectfully request that Roanoke City Council ratify the reappointment of Linda Bannister for a second term, which will run from January 1, 2003 through December 31, 2005.

The by-laws of the Board require that appointments of members at-large be ratified by all five participating localities, so this request is being sent for action by our other four governments as well.

Sincerely,

S. James Sikkema  
 Executive Director

cc: The Honorable Ralph K. Smith, Mayor  
 Mary F. Parker, City Clerk  
 Ms. Linda H. Bannister



Oct. 30, 2002  
424 Bullitt Ave SE  
Roanoke, Va 24013

Dear Mayor & Members of Council:

I would like to thank  
you for the opportunity to  
serve on the Steering Committee.

I have decided to resign as  
a member of the R.N.P.S. C., due  
to family and personal obligations.

I have enjoyed my involvement  
with the committee and will  
miss it.

Respectfully,  
Christine Proffitt

RECEIVED  
CITY CLERKS OFFICE

02 NOV -1 P 2:44

**Deleted from Consent Agenda by action of City Council.**

**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 18, 2002

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Lease Agreement for  
Buena Vista Recreation  
Center

**Background:**

The Commonwealth of Virginia, Department of Historic Resources (DHR) has been operating its Roanoke Regional Preservation Office from the Buena Vista Recreation Center. Even though its use of the facility involves limited office and storage space; DHR has made approximately \$10,000 worth of improvements to its leased space of the Center. These positive changes are consistent with the departmental direction noted within the Comprehensive Master Plan of Roanoke Parks and Recreation.

**Considerations:**

The unexecuted Lease Agreement, authorized by City Council by ordinance number 33798-051898 between the City of Roanoke and DHR was to expire in

February 2001. Following minor modifications to the Agreement, DHR has agreed upon its continuing use of a portion of the facility. The renewal of the revised Lease (Attachment 1) provides for a term retroactive to March 2002 for a term of five years at no fee with the option to renew for one additional term.

Recommended Action:

Authorize the City Manager to execute the Lease Agreement with the Department of Historic Resources upon its being approved as to form by the City Attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent than the last name "Burcham".

Darlene L. Burcham  
City Manager

DLB:kaj

Attachment

- c: Rolanda A. Johnson, Assistant City Manager for Community Development  
Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Steven B. Buschor, Director of Parks and Recreation

#CM02-00258

## LEASE AGREEMENT

**THIS LEASE AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by and between the **CITY OF ROANOKE** (the "Lessor") and the **COMMONWEALTH OF VIRGINIA**, by the Department of Historic Resources (the "Lessee"), pursuant to §10.1-104 (A)(2) of the Code of Virginia (1950), as amended.

### W I T N E S S E T H:

FOR AND IN CONSIDERATION of the terms, conditions, covenants, promises and agreements herein made, Lessor hereby leases and demises unto Lessee those portions of Buena Vista Recreation Center ("Recreation Center") outlined in red on Attachment Nos. 1 and 2, ("Premises").

1. **TERM OF LEASE:** The Premises are leased to Lessee for a period of five (5) years, beginning on the 1st day of March, 2002, and terminating on the 28th day of February, 2007 (the "Initial Term").
2. **RENT:** Lessee covenants to pay Lessor the sum of NO DOLLARS and NO CENTS (\$0.00) as rent.
3. **PURPOSE AND USE OF PREMISES:** The Premises are leased to be used and occupied by the Lessee, and its agents and employees, for a Regional Preservation Center Program, offices and archaeology laboratory.
4. **ACCESSIBILITY BY THE HANDICAPPED:**
  - (A) Lessor agrees that, when the Recreation Center is open to the public, the Recreation Center leader will notify Lessee's employees on the Premises of the arrival of physically handicapped and aged individuals needing information or assistance from the Lessee. Whenever required by Lessee to meet the needs of physically handicapped individuals, the Recreation Center staff will provide suitable meeting space on the main floor to the Recreation Center, if such space is available. Access for the handicapped during hours when the

Recreation Center is not open to the public will not be available and other arrangements will be made by Lessee's employees.

- (B) Lessee shall comply with Lessor's requirements, including means of access to the Premises and parking. It is agreed that public access to the office space assigned to the Lessee on the second floor (see attachment) will be through the front entrance of the building when the Recreation Center is open to the public.

5. DELIVERY OF POSSESSION:

- (A) Lessor covenants to deliver quiet possession of the Premises at the commencement of the initial term.
- (B) Lessor covenants to deliver the Premises to Lessee upon the commencement of the initial term in good repair and condition, suitable for the purposes and uses for which the Premises are leased. Lessor warrants that all plumbing, heating, air conditioning, electrical and mechanical devices and appliances of every kind or nature located upon or serving the Premises are, or will be, in good repair, condition and working order as of the commencement of the initial term.

6. MAINTENANCE: Lessor covenants to keep, repair and maintain, at Lessor's expense, the Premises and all plumbing, heating, air conditioning, electrical and mechanical devices, appliances and equipment located upon or serving the Premises at the commencement of occupancy of this Lease Agreement in good repair, condition and working order suitable to the purposes and uses for which Lessee has leased the same, during the initial term and any renewal terms. As used herein, the word "repair" shall be deemed to mean and include replacement of broken or cracked glass. Lessee agrees and consents that Lessor shall have the right to enter the Premises at all reasonable times for the purpose of inspecting or making any repairs or routine maintenance that Lessor may deem necessary or appropriate.

7. UTILITIES:

- (A) Lessor shall provide, at Lessor's expense, electricity, water, sewage and trash disposal, to and for the Premises during the initial term and any renewal terms. In the event that any one or more such utilities are not provided or are reduced, other than due to causes beyond the reasonable control of Lessor, and the failure to provide or reduction of same renders the Premises unsuitable for the purpose and use for which same are leased, then Lessee, in addition to any other remedy available under the law, shall be entitled to deduct from the total rent, or any installment thereof, the per diem rental for each day that the

Premises are rendered unsuitable due to the failure to provide or reduction of such utilities. Lessee shall provide, at Lessee's expense, telephone and supplemental heating and air conditioning, with the approval of the Lessor.

- (B) The above subsection notwithstanding, the Lessee shall, on or before the first day of March of each year, pay to the Lessor an amount equal to one-third the total cost of all utilities, including electricity, water, sewage and trash disposal, for the preceding calendar year. Lessee shall be responsible for all expenses related to telephone usage.

- 8. ALTERATIONS BY LESSEE: With the consent of Lessor, Lessee may make such alterations, modifications, additions and/or improvements upon or to the Premises and may install or remove such fixtures and partitions as Lessee may deem proper; provided, however, that any structural alterations of the roof, foundation or exterior walls shall require the prior written consent of Lessor. All materials used in such alterations, modifications, additions or improvements, and all fixtures and partitions made and/or installed by Lessee shall remain the property of the Lessee and, upon termination of this Lease Agreement, shall, at Lessor's request, be removed.

- 9. DAMAGE OR DESTRUCTION OF PREMISES:

- (A) If the Premises are damaged by fire or other casualty so as to render same, in the opinion of Lessee, untenable for the purposes or uses for which Lessee has leased same, this Lease Agreement, and all obligations hereunder, may immediately terminate upon Lessee's giving notice of that fact to Lessor by certified or registered mail, return receipt requested, as hereinafter provided.
- (B) Under no circumstances of destruction of the Premises, in part or in whole, by fire or other casualty shall the Lessor be required to repair or restore the Premises. As used herein, the words "repair" and "restore" shall be deemed to mean and include replacement of broken, cracked or damaged glass or windows. Lessor, in its sole and absolute discretion, shall decide whether to repair or restore the Premises, or any portion thereof, damaged in whole or in part by casualty or other cause.
- (C) Any property or equipment placed or stored in the Premises by Lessee shall be at the risk of the Lessee. Nothing herein shall affect the Lessor's liability, if any, for property damage caused by the negligence of its officers, agents, or employees.
- (D) Lessee shall be responsible for damage to, or loss of, real or personal property of Lessor caused by the negligence of Lessee or its officers, agents or

employees. At the termination of this Lease Agreement, Lessee shall deliver peacefully the Premises to Lessor.

10. RENEWAL OF LEASE: With written approval of the City Manager, Lessee shall have the option to renew this Lease Agreement for one (1) additional term of five (5) years upon such terms and conditions as may be mutually agreed to by the parties.

11. TERMINATION:

- (A) This Lease Agreement and any renewal term of this Lease Agreement may be terminated by either party only upon written notice to the other party by certified or registered mail, return receipt requested, at least three (3) months prior to March 1 of any year in which the Lease Agreement is in force; otherwise, this Lease Agreement may be renewed and continued as provided in Paragraph No. 10. In addition, during any renewal term, Lessee, at its option, may terminate this Lease Agreement at any time upon at least three (3) months written notice to Lessor by certified or registered mail, return receipt requested.
- (B) Notwithstanding any provision in this Lease Agreement to the contrary, if any session of the Virginia General Assembly fails to appropriate funds for the continuance of this Lease Agreement or the federal government fails to appropriate or allocate sufficient funds for the purpose of continuation of this Lease Agreement, it shall automatically terminate upon depletion of the then currently allocated funds.
- (C) Notwithstanding any provision to the contrary, if, by operation of law, the leasing agency designated in Paragraph No. 3 shall cease to exist or its powers and authority are limited so as not to permit the continued use of the Premises for the purpose and use for which same is leased, then this Lease Agreement and all obligations of Lessee hereunder shall terminate.
- (D) This Lease Agreement shall not be assigned and the property or any portion thereof shall not be sublet without Lessor's prior written consent, which consent shall not be unreasonably withheld.

12. NOTICE:

- (A) Any and all notices affecting this Lease Agreement may be served by the parties hereto, or by their duly authorized agents, as effectively as if the same were served by any officer authorized by law to serve such notices. The return



of such party, or its duly authorized agent, showing the time, place and manner of service of such notice shall have the same force and effect in any legal proceedings based thereon as a return of service by any officer authorized by law to serve such notice.

(B) All notices required by law to be served upon, and all notices permitted by this Lease Agreement to be mailed to, a party to this Lease Agreement shall be served upon or mailed to, as the case may be, the following agents for each party who are hereby appointed and designated as such for the purpose of receiving all such notices:

- (1) Lessor's agent shall be:  
Steven C. Buschor  
Manager of Parks and Recreation  
210 Reserve Avenue, S.W.  
Roanoke, Virginia 24016
- (2) Lessee's agent shall be:  
Kathleen S. Kilpatrick  
Director, Department of Historic Resources  
2801 Kensington Avenue  
Richmond, Virginia 23221

Each party shall immediately notify the other party, in writing, of any change of agents, and no change of agents shall be effective until such notice is given.

(C) Where, under the terms of this Lease Agreement, a notice is required or permitted to be sent by certified or registered mail, return receipt requested, and such notice is not mailed in such manner, the notice shall be effective if actually received by the party, or its appointed agent, to whom the notice is directed.

13. BINDING UPON SUCCESSORS: This Lease Agreement shall be binding upon the heirs, successors in interest and assigns of the parties hereto.
14. ENTIRE AGREEMENT: This Lease Agreement constitutes the entire, full and complete understanding and agreement of the parties, and all representations, conditions, statements, warranties, covenants, promises or agreements previously made or given by either party to the other are hereby expressly merged into this Lease Agreement and shall be null, void and without legal effect.
15. MODIFICATION: This Lease Agreement shall not be modified, altered or amended

except by written agreement executed by the parties hereto with the same formality as this Lease Agreement.

16. PARAGRAPH HEADINGS: Headings to the paragraphs are mere catchwords and are illustrative only; they do not form a part of this Lease Agreement nor are they intended to be used in construing the same.
17. ASSIGNMENT: This Lease Agreement shall not be assigned, and the property or any portion thereof shall not be sublet without Lessor's prior written consent, which consent shall not be unreasonably withheld.
18. DRUG-FREE WORKPLACE: The Lessee will: (i) provide a drug-free workplace for the Lessee's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Lessee's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Lessee that the Lessee maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor. For the purpose of this subsection, "drug-free workplace" means a site for the performance of work done in connection with this contract.
19. EQUAL EMPLOYMENT OPPORTUNITY:

Non-Discrimination: During the performance of this Agreement, the Lessee agrees as follows:

- (A) The Lessee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Regional Preservation Center Program. The Lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- (B) The Lessee, in all solicitations or advertisements for employees placed by or on behalf of the Lessee, will state that such Lessee is an equal opportunity

employer.

- (C) Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- (D) The Lessee will include the provisions of the foregoing subsections (a), (b) and (c) in every contract or purchase order of over ten thousand dollars and no cents (\$10,000.00) so that the provisions will be binding upon each contractor or vendor.

**IN WITNESS WHEREOF**, the parties have affixed their signatures and seals, as of the date first hereinabove written.

ATTEST:

**CITY OF ROANOKE**

\_\_\_\_\_  
Mary F. Parker, City Clerk

By: \_\_\_\_\_  
Darlene L. Burcham, City Manager

ATTEST:

**COMMONWEALTH OF VIRGINIA**, by the  
Department of Historic Resources

\_\_\_\_\_

By \_\_\_\_\_  
Title: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

§

§ To-wit:

CITY OF ROANOKE

§

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2002, by **Darlene L. Burcham**, City Manager, for and on behalf of said municipal corporation.

My Commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Approved as to form:

Approved as to execution:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Assistant City Attorney

COMMONWEALTH OF VIRGINIA   §  
  § To-wit:  
CITY OF RICHMOND           §

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2002, \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, for and on behalf of the Commonwealth of Virginia.

My Commission expires:\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Recommend Approval:  
Division of Engineering  
and Buildings

Recommend Approval:  
Department of General Services

By:\_\_\_\_\_  
Director

By:\_\_\_\_\_  
Director

APPROVED BY THE GOVERNOR:

Pursuant to §\_\_\_\_\_ of the Code of Virginia (1950), as amended, as the official designee of the Governor of Virginia, as authorized and designated by Executive Order \_\_\_\_\_, dated \_\_\_\_\_, 2002, I hereby approve the acquisition of the Premises pursuant to this Lease Agreement and the execution of this instrument for, on behalf of, and in the stead of the Governor of Virginia.

\_\_\_\_\_  
Secretary of Administration

Date:\_\_\_\_\_

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing entering into a lease agreement between the City and the Commonwealth of Virginia, Department of Historic Resources, for certain space in the Buena Vista Recreation Center, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, a five-year lease agreement retroactive to March 1, 2002, between the City and the Commonwealth of Virginia, Department of Historic Resources, with the option to renew for one (1) additional five-year period, providing for the lease of office and storage space, said lease term to commence as of March 1, 2002, and terminate February 28, 2007, with provision for cancellation with three (3) months written notice by either party, a copy of which is attached to the City Manager's report dated November 18, 2002, to this Council, such lease to be in form approved by the City Attorney.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 18, 2002

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:       Regional Hazardous  
                  Materials Response Team  
                  Contract and Grant

Background:

Since July 1, 1986, the city has been under contract with the Virginia Department of Emergency Management (VDEM) to respond to Level III hazardous materials incidents in a regional concept involving firefighter/EMTs from the cities of Roanoke and Salem. In July 2000, the city renewed its agreement to participate in a Level III Regional Response Team. This report requests the city, for the next two fiscal years (July 2002- June 2004); authorize another bi-annual agreement to keep funding and reimbursement needs current.

Roanoke benefits in several ways from this contract. The city receives reimbursement for training, team member physical examinations and purchase of related equipment. Without this state contract, the city would still have a need for a hazardous materials response team but would not have the corresponding benefit of being a reimbursed regional provider.

Considerations:

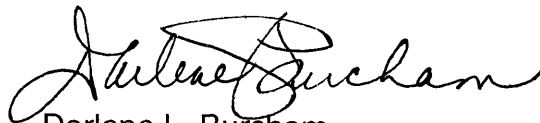
The present VDEM hazardous materials team contract expired June 30, 2002. VDEM agreed to sign a new, two year agreement and to furnish \$15,000.00 per year in "pass-through" funds in order to assist with the purchase of equipment, physicals, and to attend training programs needed to comply with Federal and State response criteria mandates.

"Pass-through" funding totaling \$15,000.00 has been received from VDEM as of this report and deposited in revenue account 035-520-3225-3225.

Recommended Action:

City Council authorize execution of the new contract and "pass-through" funding which honors the two-year VDEM hazardous materials team contract for the period July 1, 2002 until June 30, 2004, and appropriate funding of \$15,000 as follows: \$10,000 to *Expendable Equipment* and \$5,000 to *Training and Development* under the Hazardous Materials Response Team Grant (035-520-3225-2035 and 035-520-3225-2044) and establish a revenue estimate of \$15,000.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB/WS/jsf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
George S. Snead, Assistant City Manager for Operations  
James Grigsby, Fire-EMS Chief  
Winston Simmons, Fire-EMS Deputy Chief

#CM02-00245

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Public Safety	\$3,107,979
Hazardous Materials Response Team FY03 (1-2) .....	15,000

**Revenues**

Public Safety	\$3,107,979
Hazardous Materials Response Team FY03 (3) .....	15,000

- |                             |                     |           |
|-----------------------------|---------------------|-----------|
| 1) Expendable Equipment     | (035-520-3225-2035) | \$ 10,000 |
| 2) Training and Development | (035-520-3225-2044) | 5,000     |
| 3) State Grant Receipts     | (035-520-3225-3225) | 15,000    |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to enter into a two-year contract with the Commonwealth of Virginia, Department of Emergency Management, to participate in a Regional Hazardous Materials Response Team and to accept "pass-through" funding in the amount of \$15,000.

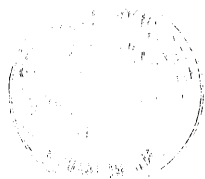
BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, a two-year contract commencing July 1, 2002, with the Commonwealth of Virginia, Department of Emergency Management, to participate in a Regional Hazardous Materials Response Team, said contract to be in such form as is approved by the City Attorney, as is more particularly set forth in the letter of the City Manager, dated November 18, 2002.

2. The City Manager is authorized to accept \$15,000 in "pass-through" funding pursuant to the contract.

ATTEST:

City Clerk



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
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November 18, 2002

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Police Memorial Statue

### **Background:**

The design of the new police building at 348 West Campbell Avenue has always included a space directly in front of the door for a monument or memorial to recognize the sacrifice of fallen police officers. A committee of Police Department employees has worked with the Arts Commission to develop a fitting memorial. Solicitations for proposal were sent to artists regionally, with four artists submitting works for consideration. A quality statue at this highly visible location would also promote the arts in the City.

Blacksburg sculptor Lawrence Reid Bechtel, one of the four artists offering works for review, has submitted a proposed work entitled "Officer Down" which has been displayed within the Police Department and is recommended by the joint Police Department/Arts Commission committee. Production of this monument is anticipated to take approximately one year following execution of a contract.

### **Considerations:**


Anticipated costs relating to this project are \$96,500.

Funding is available in account number 008-640-9902-9132.

Recommendations:

City Council authorize the City Manager to enter into a contract with artist Lawrence Bechtel, the form of which shall be approved by the City Attorney, and to advertise for bids for architectural and construction work associated with completing this project.

Respectfully submitted,



Darlene L. Burcham  
City Manager

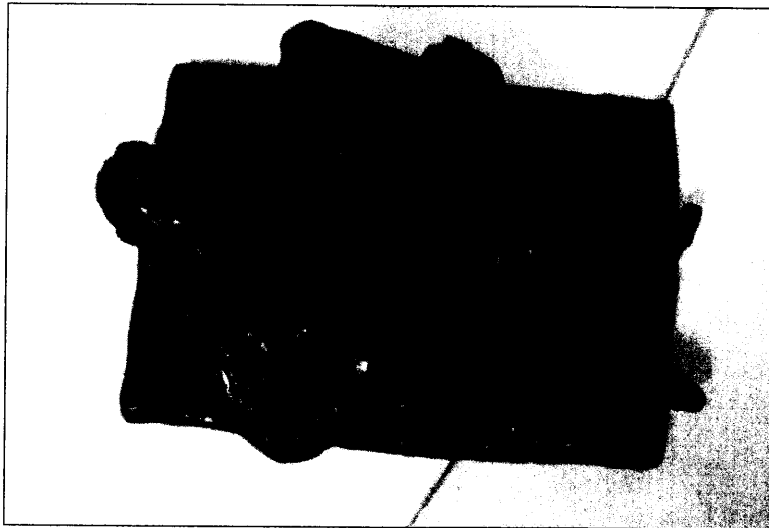
Attachments

DLB/ALG/wa

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Phil Schirmer, City Engineer  
Bob Bird, Acting Purchasing Manager  
A. L. Gaskins, Police  
Rolanda Johnson, Assistant City Manager for CD

#CM02-00248







## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing execution of an agreement between the City of Roanoke and Lawrence Reid Bechtel doing business as Heady Stuff Studio, providing for development and creation of a statue to memorialize fallen law enforcement officers to be erected in front of the Police Department at 348 West Campbell Avenue.

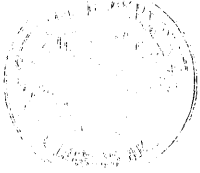
BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, an agreement with Lawrence Reid Bechtel doing business as Heady Stuff Studio, in the amount of \$83,500, providing for the development and creation of a statue, substantially similar to the one depicted in the attachments to the City Manager's letter to Council dated November 18, 2002, to memorialize fallen law enforcement officers.

2. Such agreement shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
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Honorable Ralph K. Smith, Mayor  
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Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Competitive Negotiation For  
Development Proposals

### **Background:**

The City currently owns several parcels along Gainsboro Road, NW, suitable for potential development of a mixed-use community.

The City desires the opportunity to consider entering into a contractual agreement with a real estate developer who has submitted the successful proposal for development of the property. Although, the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above services. The experience, qualifications, and references of firms that can provide the real estate development proposal are of equal, if not greater, importance than the cost. Additional issues, other than price, include development experience, employee training, customer responsiveness, marketing, and financial capacity. Therefore, the process of competitive negotiation using the request for proposal process has been identified as the best method for procurement of these services.

### **Considerations:**

The Code of the City of Roanoke provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation." Prior approval by Council is necessary before the alternate method may be used. See City Code Section 23.1-4 (e). This method will allow for negotiations with two (2) or more providers to determine the best qualified at the most competitive price or rate.



Honorable Mayor and Members of Council  
November 18, 2002  
Page 2

Recommended Action(s):

Authorize the use of competitive negotiation as the method to secure a development company for development of the city-owned property along Gainsboro Road, NW.

Respectfully submitted,

  
Darlene L. Burcham  
City Manager

DLB/SEF

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Philip C. Schirmer, City Engineer

#CM02-00256

DAC

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used to secure a real estate development company for development of the city-owned property along Gainsboro Road, N.W.; and documenting the basis for this determination.

WHEREAS, the City seeks to procure proposals from real estate developers for development of the city-owned property along Gainsboro Road, N.W., which includes development experience, employee training, customer responsiveness, marketing, and financial capacity.

WHEREAS, this Council finds that the use of the procurement method of competitive negotiation for the above mentioned services will allow for consideration of the factors of experience, qualifications, and references which are of equal, if not greater, importance than the cost.

WHEREAS, City Council is of the opinion that such services should be procured by competitive negotiation rather than competitive sealed bidding.

THEREFORE, BE IT RESOLVED by this Council of the City of Roanoke as follows:

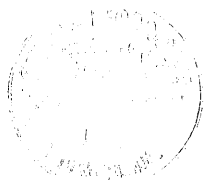
1. Pursuant to Section 23.1-4 (e), Code of the City of Roanoke, (1979), as amended, this Council finds that the procurement method known as competitive sealed bidding is not practicable and/or is not fiscally advantageous to the public for the reasons set forth to secure a real estate developer for development of the city-owned property along Gainsboro Road, N.W.

2. City Council directs that the procurement method known as competitive negotiation shall be used for the procurement of a real estate developer, as more fully set forth in the City Manager's Letter to this Council dated November 18, 2002.

3. This Resolution documents the basis for City Council's determination.

ATTEST:

City Clerk



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 18, 2002

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Rejection to Bid #02-09-22

### **Background:**

On October 25, 2002, Invitation for Bid # 02-09-22 for five side loading refuse cab and chassis and five "one-armed bandit" bodies was opened. Five bids were received for the cabs and chassis, and five bids were received for the bodies. During evaluation of the bids, an error in the specifications was discovered which requires that these bids be rejected. Updated specifications are ready, and a new invitation for bid can be issued immediately following rejection of all bids.

### **Considerations:**

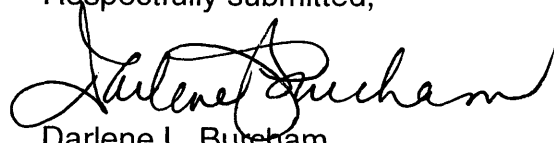
An error was made in the submission of old specifications rather than new specifications to Purchasing. A new sign-off procedure will now be initiated to avoid future errors such as this.

Honorable Mayor and Members of Council  
November 18, 2002  
Page 2

Recommendation:

Reject all bids received on Invitation for Bid # 02-09-22 and reissue an invitation for bid on five side loading refuse cab and chassis and five "one-armed bandit" bodies with revised specifications.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB/FWD/mc

Attachment

C: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Robert K. Bengtson, P.E., Director of Public Works

SST  
11/14/02  
  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

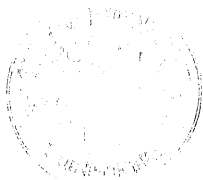
A RESOLUTION rejecting all bids for five side loading refuse cab and chassis and five “one-armed bandit” bodies.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. All bids received by the City for five side loading refuse cab and chassis and five “one-armed bandit” bodies, are hereby REJECTED.
2. The City Clerk is directed to notify all bidders and to express to each the City’s appreciation for said bids.
3. The City Manager is authorized to make any changes in the specifications contained in the Invitation for Bid for the five side loading refuse cab and chassis and five “one-armed bandit” bodies or the procurement documents deemed advisable and to reissue an Invitation for Bid.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

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November 18, 2002

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Funding for – Workforce Investment  
 Act (WIA) and Opportunity Knocks  
 Grant

### Background:

The City of Roanoke is the grant recipient and fiscal agent for Workforce Investment Act (WIA) funding, thus, City Council must appropriate the funding for all grants and other monies received. The Workforce Investment Act for the region, Workforce Area 3, encompasses the counties of Alleghany, Botetourt, Craig, Franklin and Roanoke as well as the cities of Covington, Roanoke, and Salem. WIA funding is for three primary client populations:

- dislocated workers who have been laid off from employment through no fault of their own, and
  - economically disadvantaged individuals as determined by household income guidelines set up by the U.S. Department of Labor.
  - WIA Youth Programs
1. The Notice of Obligation (NOO) has been received from the Virginia Employment Commission authorizing Workforce Area 3 to spend \$209,792.00 for the Adult Program, which serves economically disadvantaged persons and \$198,544.00 for the Dislocated Worker Program, which serves persons laid off from their jobs through no fault of their own.

2. The Virginia Employment Commission has issued a NOO dated September 10, 2002, authorizing Workforce Area 3 to spend a total of \$25,000.00 to purchase and install Virginia Workforce Center signs. These funds are available from July 1, 2002 through June 30, 2003.
3. The Fifth District Employment and Training Consortium, (FDETC), under an agreement with the City of Roanoke, administers funding for Workforce activities not included in the identified WIA program categories. The FDETC has received funding in the amount of \$50,000.00 from the State Department of Social Services to operate the Opportunity Knocks program for Workforce Area 3. The Opportunity Knocks Program provides services to eligible youth. These funds are available from October 1, 2002 through June 30, 2003.

Consideration:

- Program Operations - Existing activities will continue and planned programs will be implemented.
- Funding - Funds are available from the Grantor agency and other sources as indicated, at no additional cost to the City.

Recommended Action:

Appropriate the WIA and FDETC funding totaling \$483,336.00 and increase the revenue estimate by \$483,336.00 in accounts to be established in the Consortium fund by the Director of Finance.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:wc

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management and Budget  
Glenn D. Radcliffe, Director of Human Services  
Rolanda A. Johnson, Assistant City Manager for Community Development

#CM02-00246



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Fifth District Employment and Training Consortium	\$ 4,788,449
Administration (1-5) .....	95,562
Opportunity Knocks (6-17) .....	50,000
Virginia Workforce Center Signs (18) .....	25,000
Adult Program (19-30) .....	251,752
Dislocated Worker Program(31) .....	262,782

**Revenues**

Fifth District Employment and Training Consortium	\$ 4,788,449
Administration (32).....	95,562
Opportunity Knocks (33) .....	50,000
Virginia Workforce Center Signs (34) .....	25,000
Adult Program (35) .....	251,752
Dislocated Worker Program (36) .....	262,782

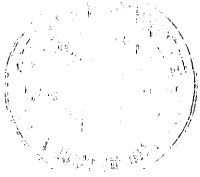
1) Temporary Employees	(034-633-2300-8049)	\$ 15,207
2) Wages	(034-633-2300-8050)	14,578
3) Fringe Benefits	(034-633-2300-8051)	7,545
4) Insurance	(034-633-2300-8056)	500
5) Miscellaneous	(034-633-2300-8060)	3,000
6) Wages	(034-633-2350-8050)	17,322
7) Fringe Benefits	(034-633-2350-8051)	4,328
8) Travel	(034-633-2350-8052)	100
9) Communication	(034-633-2350-8053)	200
10) Supplies	(034-633-2350-8055)	200
11) Insurance	(034-633-2350-8056)	80
12) Contractual Services	(034-633-2350-8057)	1,500
13) Miscellaneous	(034-633-2350-8060)	300

14)	Support Services	(034-633-2350-8461)	\$ 8,000
15)	Training	(034-633-2350-8500)	1,350
16)	On-the-job-training	(034-633-2350-8501)	1,500
17)	Subsidized Wages	(034-633-2350-8502)	15,120
18)	Contractual Services	(034-633-2360-8557)	25,000
19)	Temporary Employees	(034-633-2361-8049)	6,220
20)	Wages	(034-633-2361-8050)	83,000
21)	Fringe Benefits	(034-633-2361-8051)	23,000
22)	Travel	(034-633-2361-8052)	2,500
23)	Communication	(034-633-2361-8053)	500
24)	Supplies	(034-633-2361-8055)	250
25)	Insurance	(034-633-2361-8056)	500
26)	Contractual Services	(034-633-2361-8057)	7,000
27)	Miscellaneous	(034-633-2361-8060)	1,144
28)	Support Services	(034-633-2361-8461)	15,500
29)	Training	(034-633-2361-8500)	46,000
30)	Subsidized Wages	(034-633-2361-8502)	3,200
31)	Contractual Services	(034-633-2381-8057)	178,692
32)	Administration	(034-633-2300-2300)	40,830
33)	Opportunity Knocks	(034-633-2350-2350)	50,000
34)	Virginia Workforce Center Signs	(034-633-2360-2360)	25,000
35)	Adult Program	(034-633-2361-2361)	188,814
36)	Dislocated Worker Program	(034-633-2381-2381)	178,692

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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November 18, 2002

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Funds Transfer  
Design Services  
Streetscape Improvements to  
Salem Avenue  
Proposal No. 02-08-16

Salem Avenue from Jefferson Street to 5<sup>th</sup> Street, S. W., was identified as a special project for curb and sidewalk improvements. The first phase, First Street to Second Street in the area of the new Roanoke Times Building is to be constructed in the summer of 2003.

Request for Proposals for Design Services were publicly advertised and received from the following firms: Hayes, Seay, Mattern & Mattern, Inc., LMW, P.C., and Anderson & Associates, Inc.

A selection committee consisting of Jan Bruce, Engineering Technical Supervisor; Christopher Whitlow, Economic Development Administrator; and Margaret Munton, Budget Analyst, conducted interviews with all three firms.

The committee selected Hayes, Seay, Mattern & Mattern, Inc., 1315 Franklin Road, S. W., Roanoke, Virginia 24016, as the most qualified for this project. City staff has negotiated an acceptable agreement for the above work in the amount of \$54,734.00.

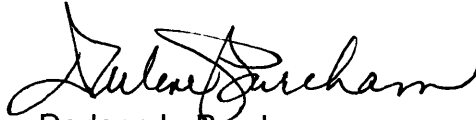
Funding in the amount of \$60,000 is needed for the project. The additional funds that exceed the contract amount will be used for miscellaneous project expenses including advertising, printing and

unforeseen project expenses. Funding is available from Public Improvement Bonds – Series 2002, account no. 008-530-9711-9195.

Recommended Action:

Transfer \$60,000 from Public Improvement Bonds – Series 2002, account no. 008-530-9711-9195, to an account to be established by the Director of Finance entitled, Salem Avenue Streetscape.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darlene L. Burcham', written in a cursive style.

Darlene L. Burcham  
City Manager

DLB:JGB:na

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Philip C. Schirmer, P.E., L.S., City Engineer

#CM02-00252

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Streets and Bridges	\$26,331,040
Salem Avenue Streetscape (1).....	60,000
Capital Improvement Reserve	\$ 7,540,186
Public Improvement Bonds - Series 2002 (2).....	4,140,000

- |  |                     |           |
|--|---------------------|-----------|
| 1) Appropriated from Series<br>2002 Bond Issue | (008-530-9794-9076) | \$ 60,000 |
| 2) Curb, Gutter and Sidewalk<br>Improvements   | (008-530-9711-9195) | ( 60,000) |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

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November 18, 2002

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment to Lease  
Agreement for Human  
Services Building

### **Background:**

In November 2001, the City of Roanoke entered into a lease agreement for office space with Blue Eagle Partnership for property located at The Civic Mall, 1501 Williamson Road, Roanoke, Virginia. The Department of Human Services will relocate its offices to the Civic Mall, and the term of this lease is twenty (20) years, commencing on June 1, 2003, and expiring on May 31, 2023. Prior to the commencement date, the Lessor will complete renovations and improvements to the Premises in an amount not to exceed \$2,497,080. In the event that such improvements exceed that amount, the cost will be amortized over the term of the Lease and such amortization payments will be included in monthly rental payments as additional rent. Additionally, the lease has a nonappropriation provision which provides that the City shall have the right to terminate the Lease without penalty or further obligation in the event the federal, state or municipal government does not appropriate the funds necessary for the lease.

Considerations:

Both parties desire to amend the Lease Agreement to reflect a dollar limit to the cost of improvements. As per the attachment, Blue Eagle Partnership has agreed to be responsible for any costs over and beyond \$2,497,080, and the City of Roanoke will now be responsible for the installation of the computer system and telephone system wiring. Additionally, Blue Eagle Partnership's lender has expressed concern over the nonappropriation provision. Specifically, the lender is concerned that while the state and federal governments may appropriate funding, it may be appropriated for office space at a different location. Both parties desire the lease to indicate that the City shall have the right to terminate the lease in the event of nonappropriation only if federal, state or local funding is not appropriated to pay for office space at any location.

Recommended Action:

Authorize the City Manager to execute the attached Lease Amendment in a form approved by the City Attorney.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:rji

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Glenn D. Radcliffe, Director of Human Services  
Rolanda A. Johnson, Assistant City Manager for Community Development

#CM02-00250

## **LEASE AMENDMENT NO. 1**

This Lease Amendment No. 1 made this \_\_\_\_\_ day of November 2002, to Lease Agreement by and between **BLUE EAGLE PARTNERSHIP**, a Virginia Partnership, ("Lessor") and **CITY OF ROANOKE**, a Virginia municipal corporation, ("Lessee"),

WHEREAS, the Lessor and Lessee entered into a Lease Agreement dated November 21, 2001, ("Lease Agreement") for the lease of a portion of the Civic Mall, located at 1502 Williamson Road, Roanoke, VA 24012, and containing approximately 83, 236 sq. ft. for a term of 20 years("Premises") for office space for the Department of Human Services; and

WHEREAS, both parties desire to amend the Lease Agreement to reflect a dollar limit to the amount that Lessor expends on improvements to the Premises; and

WHEREAS both parties want to amend the Lease Agreement's termination for nonappropriation provision to provide for termination of the Lease Agreement by the City only in the event that state, federal, or municipal governments do not appropriate necessary funds to provide for office space for the Department of Human Services at any location; and

WHEREAS both parties want to amend Exhibit C of the Lease Agreement which details the work Lessee will make to Premises by making Lessee additionally responsible for the installation of computer system and telephone system wiring.

NOW, THEREFORE, in consideration of the mutual promises contained herein and in the original Lease Agreement, the Lessor and Lessee agree as to amend the Lease Agreement as follows:



1. Subsection (a) of Section Eight, "Repairs and Improvements" is amended to provide as follows:

8. **REPAIRS AND IMPROVEMENTS**

(a) Prior to the Commencement Date, Lessor will complete renovations of the Premises according to the specifications and designs for finishing and improving the Premises, which are attached hereto as Exhibit B and made a part of this Lease Agreement. Improvements to the Premises by Lessor are limited to \$2,497,080.00 (\$30 per rentable square foot). Lessor acknowledges and agrees that it will be solely responsible for any costs over and beyond \$2,497,080.00, unless the increase in cost has been approved by both parties through a Change Order.

All such renovations shall have a Certificate of Occupancy, as that term is defined in Paragraph 2 ("Term"), and the premises ready for occupancy as that term is defined in Paragraph 2, on or before June 1, 2003; provided, however, if Lessor is delayed at any time in the commencement or progress of the work by an act or neglect of the Lessee or any employee or contractor or supplier employed by Lessee, or by changes ordered in the work, or by labor disputes, fire, unusual delay in deliveries, unavoidable casualties or other causes beyond Lessor's control, or delay authorized by Lessee pending mediation or arbitration, then the deadline of June 1, 2003, stipulated in this paragraph shall be extended by Change Order for such additional time as the parties may agree upon. Lessor acknowledges that failure to have the Premises ready for occupancy by June 1, 2003, could result in substantial damages to the Lessee. Therefore, Lessor agrees that in the event the Premises are not ready for occupancy by June 1, 2003, (or such extended date as agreed upon by the parties), Lessor agrees to pay as delay damages \$6,000.00 per month, until occupancy is available for those departments scheduled to occupy space in the Premises.

2. Section Thirty-Two of the Lease Agreement "Termination in Event of Non-Appropriation" is hereby amended to provide as follows:

32. **TERMINATION IN EVENT OF NONAPPROPRIATION**

Notwithstanding any other provision of this Lease, Lessee shall have the right to terminate this Lease without penalty or further obligation in the event the federal, state or municipal governments do not appropriate the funds

necessary for this Lease. Lessee shall give thirty (30) days notice of such nonappropriation. In the event such federal, state or municipal governments do not appropriate the funds necessary for this Lease, but do appropriate funds for the same offices to be located elsewhere, then Lessee and Lessor acknowledge and agree that Lessee may not terminate this Lease for nonappropriation pursuant to the provisions of this Section.

3. Item 2 and 3 of Exhibit C "Lessee's Work" to the Lease Agreement is hereby amended to read and provide as follows:

2. Design and installation and maintenance of computer system wiring.

3. Design and selection of telephone system and installation of wiring.

4. All other terms and conditions of the Lease Agreement shall remain in full force and effect except those mentioned above.

IN WITNESS WHEREOF, the parties hereto have signed this Lease Amendment No.1 by their authorized representatives.

**WITNESS**

**BLUE EAGLE PARTNERSHIP**

\_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date: \_\_\_\_\_

**ATTEST:**

**CITY OF ROANOKE, VIRGINIA**

\_\_\_\_\_  
Mary F. Parker, City Clerk

By \_\_\_\_\_  
Darlene L. Burcham, City Manager  
Date \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

DAC

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an amendment to the lease agreement between the City and Blue Eagle Partnership dated November 21, 2001, for certain property located at the Civic Mall, 1501 Williamson Road, Roanoke, Virginia, for the Department of Human Services, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

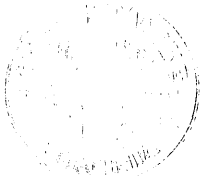
BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, in form approved by the City Attorney, an amendment to the lease agreement dated November 21, 2001, commencing on June 1, 2003, with Blue Eagle Partnership, for the Department of Human Services, to provide for a dollar limit to the cost of improvements, and to provide for termination of the lease in the event of the nonappropriation of federal, state or local funding for payment of office space, and as more particularly set forth in the City Manager's letter to this Council, dated November 18, 2002.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

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November 18, 2002

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendments to the Rental  
Certificate of Compliance Program

### **Background:**

As authorized by State law, City Council has instituted a Rental Certificate of Compliance program under Section 7-34 of the Code of the City of Roanoke (1979). The program allows the City to inspect rental properties at the change of tenancy or ownership to protect the health, safety and welfare of residents in rental dwelling units. The program is limited to core areas of the City that are designated Conservation Areas, Rehabilitation Districts and areas designated as blighted pursuant to section 36-49.1.1 of the Virginia Code.

### **Considerations:**

According to the 2000 census, there are approximately 18,000 rental properties in the City, 4,299 of which are located in the Conservation Areas and Rehabilitation Districts. Current code enforcement records of the Department of Housing and Neighborhood Services indicate that, since the inception of the rental inspection program, about 2,400 units have been inspected of which 1,800 or 75% have received Certificates of Compliance. However, code enforcement records also indicate that nearly 1,000 rental properties are not inspected, either because their tenancy does not change, or the owners simply do not abide by the requirement to have the unit inspected upon turnover. Ultimately, staff finds that many rental properties, when not the subject of either regular inspections or inspections upon a change in tenancy, may become unsafe, a public nuisance and unfit for human habitation.

Therefore to improve the efficiency and effectiveness of the Rental Certificate of Compliance program, it is recommended that Sections 7-34 through 42 of the Code be amended as described in the attached ordinance. Specifically, Section 7-37 of the attached ordinance ensures that all rental properties in the Conservation Areas, Rehabilitation Districts and other areas designated as blighted shall be inspected upon (i) a change of ownership, (ii) a change in tenancy, or (iii) whenever the property is the subject of a separate finding by City Council that additional inspections at specific time intervals, not more frequently than once annually, are necessary to protect the public health, safety or welfare, unless the rental property has a valid certificate of compliance, a temporary waiver of compliance certificate, or a certificate of exemption. If, however, an inspection has been conducted within the last twelve-month period, no inspection shall occur upon the termination of a rental tenancy or upon change of ownership (enabling legislation authorizing the latter provision was authorized by the General Assembly in 2002 at the request of the City).

Recommendation:

City Council approve the attached amendments to Sections 7-34 through 42 of the Code of the City of Roanoke (1979) as amended to streamline the Rental Certificate of Compliance program, and to allow for inspection of rental properties in the Conservation Areas and Rehabilitation Districts or in other areas designated as blighted pursuant to the Code of Virginia under certain circumstances. These amendments are part of the City's effort to enhance its code enforcement response time and improve the overall quality of life in residential neighborhoods.

Respectfully submitted,



Darlene L. Burcham  
City Manager

Attachment

DLB:ME:dw

cc: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda Johnson, Asst. City Manager for Community Development  
F. Mike Etienne, Acting Director, Housing and Neighborhood Services

#CM02-00249

SST  
10/30/02  

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §7-34, Purpose and intent; §7-35, Definitions; §7-36, Applicability; subsections (a) and (b) of §7-37, Inspection and certificate of compliance required; subsections (a), (b) and (c) of §7-38, Exemptions; and subsections (a)(1), (b) and (c) of §7-39, Certificate of exemption; subsections (a) and (b) of §7-40, Issuance of certificate of compliance; subsections (a), (a)(1), (a)(2) and (b) of §7-41, Temporary waiver of compliance; and subsection (a) of §7-42, Display of proof of compliance, of Article III, Rental Certificate of Compliance, of Chapter 7, Building Regulations, of the Code of the City of Roanoke (1979), as amended, to amend the definition of multiple-family rental complex, add the definition of rooming unit, and to repeal the definitions of Uniform Statewide Building Code, Volume I, and Uniform Statewide Building Code, Volume II; to broaden the area of possible application of Article III, Rental Certificate of Compliance; to require inspections under certain conditions; and to exempt certain dwellings, dwelling units and rooming units, from the application of the rental inspection program; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 7-34, Purpose and intent, §7-35, Definitions, §7-36, Applicability, subsections (a) and (b) of §7-37, Inspection and certificate of compliance required, subsections (a), (b) and (c) of §7-38, Exemptions, and subsections (a)(1), (b) and (c) of §7-39, Certificate of exemption, of Article III, Rental Certificate of Compliance, of Chapter 7, Building Regulations, of the Code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

Sec. 7-34. Purpose and intent.

The city council finds that certain residential rental housing, when not the subject of either regular inspections, or inspections upon a change in tenancy, to ensure compliance with applicable building maintenance regulations, may become unsafe, a public nuisance, and unfit for human habitation. The city council further finds that certain residential housing areas within the city, designated as conservation and rehabilitation districts, or designated as blighted pursuant to section 36-49.1:1 of the Code of Virginia (1950), as amended, are in need of a housing inspection program to prevent property deterioration and neighborhood blight, and to protect the public health, safety and welfare by ensuring proper building maintenance and compliance with applicable building regulations in rental dwellings.

Sec. 7-35. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

*Multiple-family rental complex* means any dwelling, or series of dwellings, consisting of no less than ten (10) dwelling units, occupied for valuable consideration, on a single lot or adjacent lots under common ownership. The term "multiple-family rental complex" shall not include mobile homes under common ownership in a mobile home park or subdivision, and such term shall not include single-family homes, two-family homes, or townhouses under common ownership.

\* \* \*

*Rooming unit* shall mean any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

\* \* \*

Sec. 7-36. Applicability.

The provisions of this article shall apply to all dwelling units or rooming units not occupied by any owner and all dwellings, exclusive of a dwelling unit occupied by any owner, which are located in the areas heretofore or hereafter designated by the city council as conservation or rehabilitation districts or in other areas designated as blighted pursuant to section 36-49.1:1 of the Code of Virginia (1950), as amended. A map showing the city's conservation and rehabilitation districts or other areas designated as blighted pursuant to section 36-49.1:1 of the Code of Virginia (1950), as amended, for purposes of this article shall be available for public inspection in the Department of Housing and Neighborhood Services for the City of Roanoke.

§7-37. Inspection and certificate of compliance required.

(a) No owner or managing agent having had control for a period of six (6) months or longer of any dwelling, dwelling unit or rooming unit, located in a conservation or rehabilitation district identified in section 7-36 of this article, or in any area designated as blighted pursuant to section 36-49.1:1 of the Code of Virginia, (1950), as amended, shall permit (i) a change in occupancy of any dwelling, dwelling unit or rooming unit, (ii) a new tenant or tenants to occupy a dwelling, dwelling unit or rooming unit which is vacant on the date the requirements of this subparagraph apply to such a dwelling, dwelling units or rooming unit, or (iii) occupancy of any dwelling, dwelling unit or rooming unit which has been the subject of a separate finding by City Council that additional inspections at specific time intervals, not more frequently than once annually, are necessary to protect the public health, safety or welfare, unless the dwelling, dwelling unit or rooming unit shall be the subject of a valid certificate of compliance, a temporary waiver of compliance certificate, or a certificate of exemption. If, however, an inspection has been conducted within the last twelve-month period, no inspection shall occur upon the termination of a rental tenancy or upon a change in ownership. The requirements of this subparagraph shall not apply to any dwelling, dwelling unit or rooming unit until the city manager has published notice in a newspaper having general circulation in the city, at least thirty (30) days in advance, of the initiation of the Rental Certificate of Compliance Program within the particular conservation or rehabilitation



district, or in any area designated as blighted pursuant to section 36-49.1:1 of the Code of Virginia, (1950), as amended, or a portion thereof, in which the dwelling, dwelling unit or rooming unit is located, and until an inspection of the dwelling, dwelling unit or rooming unit pursuant to this article has been scheduled.

(b) Compliance with the terms of this article shall be evidenced by a certificate of compliance issued by the city manager. Except as otherwise noted in this article, a certificate of compliance shall be valid for two (2) years from the date of issuance.

\* \* \*

#### §7-38. Exemptions.

(a) A certificate of compliance shall be issued, and no inspection shall be required within four (4) years of the issuance of a certificate of occupancy, for a new dwelling, dwelling unit or rooming unit constructed under the provisions of the building code, in effect at the time of the construction.

(b) A certificate of compliance shall be issued, and no inspection shall be required within four (4) years of the date of issuance, upon the building commissioner's written determination that a dwelling, dwelling unit or rooming unit which has been the subject of a building permit for substantial rehabilitation or repair, which rehabilitation or repair meets the requirements of the building code, and the extent of the rehabilitation or repair renders the entire dwelling, dwelling unit or rooming unit equivalent to new construction with respect to the general public health, safety and welfare.

(c) A certificate of compliance shall be issued, and no inspection shall be required within four (4) years of the date of issuance, for a dwelling, or dwelling unit or rooming unit, having no violations of the property maintenance code upon the initial inspection.

#### §7-39. Certificate of exemption.

(a) The city manager may issue a certificate of exemption for any dwelling unit in a multiple-family rental complex ("rental complex") strictly meeting each of the following criteria:

- (1) No less than one half of the total number of dwelling units to a maximum of ten (10) of the dwelling units within the rental complex have been randomly selected, inspected and approved under the terms

of this article; and

(2) At the time of the inspections, no violations of the building code exist within the dwelling units or dwellings so inspected.

(b) A certificate of exemption shall be valid for a period of four (4) years from the date of issuance.

(c) If the city manager determines during any four-year exemption period that one (1) or more substantial violations of applicable building regulations in effect existed at the time of the inspection pertaining to the condition of any dwelling or dwelling unit contained in the rental complex, the city manager may revoke the certificate of exemption. Prior to any such revocation, the city manager shall send by first class mail written notice to the owner or managing agent, specifying the nature of the violations found and the date upon which the revocation of the certificate of exemption will take effect. Proof of mailing to the last known address of the owner or managing agent of the property, by affidavit or otherwise, shall be sufficient evidence that the notice was received.

\* \* \*

§7-40. Issuance of certificate of compliance.

(a) The city manager shall issue a certificate of compliance if, upon inspection, the dwelling, dwelling unit, or rooming unit complies with the property maintenance code. The owner or managing agent will be entitled to receive a certificate of compliance immediately upon the city manager's determination that a dwelling, dwelling unit, or rooming unit complies with the property maintenance code.

(b) If the dwelling, dwelling unit, or rooming unit fails to comply with any one (1) or more of all applicable building regulations set forth in the property maintenance code, the city manager shall furnish the owner, managing agent or tenant with a written list of specific violations and the time frame within which to correct said violations. Failure to list any violation shall not be deemed a waiver of such violation. Upon the completion of all corrections and repairs, the owner, managing agent or tenant shall request a reinspection of the dwelling, dwelling unit, or rooming unit.

§7-41. Temporary waiver of compliance.

(a) A temporary waiver of compliance certificate may be issued for any dwelling, dwelling unit, or rooming unit which is inspected pursuant to this article and fails to comply with regulations set forth in the property maintenance code. Such temporary waiver of compliance certificate may be issued only upon a determination by the city manager that:

(1) The work necessary to bring the dwelling, dwelling unit, or rooming unit into compliance with the property maintenance code, can be reasonably undertaken and completed while the premises are occupied without endangering the safety of the occupants of the property, or subjecting the occupants to any conditions rendering the dwelling, dwelling unit, or rooming unit uninhabitable; and

(2) The dwelling, dwelling unit, or rooming unit can be brought into compliance with all applicable building code requirements within the period of time for which the temporary waiver of compliance certificate is issued not to exceed six (6) months.

(b) A temporary waiver of compliance certificate shall authorize the occupancy of the dwelling, dwelling unit, or rooming unit for such period of time as is reasonably necessary to remedy or correct all defects or violations by reason of which the certificate of compliance was refused. Every temporary waiver of compliance certificate shall set forth the period of time for which temporary occupancy is authorized, such period of time not to exceed six (6) months. The failure of the owner, managing agent or tenant to complete all corrections within the specified period of time shall constitute a violation of this article.

§7-42. Display of proof of compliance.

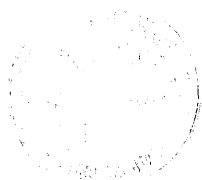
(a) Any sticker issued in connection with, and evidencing the issuance of, any certificate of compliance, temporary waiver of compliance certificate, or certificate of exemption, may be adhered to the dwelling, dwelling unit, or rooming unit to which it applies. No such sticker may be adhered to any dwelling, dwelling unit, or rooming unit for which the sticker was not intended, or issued, and the use of such a sticker shall not be mandatory.

\* \* \*

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
 215 Church Avenue, S.W., Room 364  
 Roanoke, Virginia 24011-1591  
 Telephone: (540) 853-2333  
 Fax: (540) 853-1138  
 CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 18, 2002

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Garden City Park Shelter

### Background:

As outlined in Parks and Recreation's Comprehensive Master Plan, adopted by Council in May 2000, it was established that all City parks should have fair and suitable distribution of park amenities. Currently, Garden City Park's amenities only include a playground, restrooms, and athletic fields.

Due to a limited amount of amenities for surrounding residents and visitors, the Garden City Recreation Club has agreed to play an active role in helping the City of Roanoke provide a park shelter in Garden City Park to help support its needed amenities. They are able to assist by the funds they received from the Neighborhood Partnership Grant under the Community Development Block Grant to use towards park improvements.

### Considerations:

In the proposed Agreement between the City of Roanoke and Garden City Recreation Club (Attachment 1), this Recreation Club will provide all the materials and supplies that are necessary for the construction of a 20' x 35' shelter including the concrete pad; a total value of \$7,500. The specifications and location of the shelter have been agreed upon between the Club and the Parks and Recreation Department (Exhibit A & B). Once the Recreation Club completes the concrete base, the supplies are to be delivered to the City to

complete the construction of the shelter by the Building Maintenance Department. Once the project is completed in March 2003, the City will have full responsibility and rights to this shelter, which include overseeing of maintenance and all rental/usage requirements of the facility. Funding will be available through the operating budget to operate and routinely maintain this shelter.

Recommended Action:

Authorize the City Manager to accept the donation of a park shelter by executing the Garden City Shelter Agreement with the Garden City Recreation Club upon its being approved as to form by the City Attorney.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:kaj

Attachment

c: Rolanda A. Johnson, Assistant City Manager for Community Development  
Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Steven B. Buschor, Director of Parks and Recreation

#CM02-00251

**THIS AGREEMENT** ("Agreement"), is made and entered into this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **CITY OF ROANOKE**, ("City"), and Garden City Recreation Club ("Garden City").

For and in consideration of the mutual promises set forth in this Agreement, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Term: The initial term of this Agreement shall be from October 1, 2002 until March 1, 2003, subject to the termination rights of the parties as set forth in this Agreement and the rights of the parties to extend the term of this Agreement.

2. Consideration:

(a) Garden City shall donate all necessary materials and supplies for the construction of a wooden picnic shelter, and a concrete pad for such picnic shelter, in accordance with the plan dated May 15, 2002, prepared by Lysaught & Associates, P.A. (Exhibit A.) Such picnic shelter shall be commercial quality from a pre-fabricated kit, and all materials and supplies donated by Garden City shall be approved, in writing, prior to purchase by Garden City, by the City Manager, or the City Manager's designee. All of such materials shall be delivered by Garden City to a location selected by the City Manager, or the City Manager's designee, on a date selected by that person.

(b) In exchange for the donation of materials and supplies from Garden City, the City, or its contractor, shall install the picnic shelter selected by Garden City, and a concrete pad for such picnic shelter, at the location in Garden City Park identified in Exhibit B.

(c) Upon completion of the construction of the picnic shelter and concrete pad, the City shall own the picnic shelter and the concrete pad and be responsible for its maintenance. Such picnic shelter and concrete pad shall be maintained by the City in a manner similar to any other similar facility owned by the City. As owner of the picnic shelter and concrete pad, the City shall retain the authority to move, or in the event of vandalism, Act of God, depreciation, wear and tear, or any other cause or need, or no cause, to demolish the picnic shelter.

(d) The picnic shelter, when completed, shall be subject to the City's scheduling and rental requirements, including fees.

3. All funds for payments or services performed by the City under this Agreement are subject to the availability of an annual appropriation for this purpose by the City Council of the City of Roanoke. In the event of nonappropriation of funds by the City Council of the City of Roanoke for the goods or services provided under this Agreement or substitutes for such goods or services which are as advanced or more advanced in their technology, this Agreement shall be considered terminated, without termination charge or other liability of the City, on the date of such action by City Council. If funds are not appropriated at any time for the continuance of this Agreement, cancellation will be accepted by the Contractor or on thirty (30) days prior written notice, but failure to give such notice shall be of no effect, and the City Council of the City of Roanoke shall not be obligated under this Contract beyond the date of termination.

4. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

5. Faith-based organizations: Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

6. Negotiation: This Agreement has been fully negotiated by and between the parties and shall be construed as if both parties had an equal responsibility in the drafting hereof.

7. Entire Agreement: This Agreement represents the entire integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement shall not be amended or modified except by written instrument signed by the parties.

8. Successors and assigns: Except as otherwise specifically provided herein, the terms and provisions of this Agreement shall be binding upon, and shall inure to the benefit of, the successors and assigns of the parties.

9. No Waiver of Terms of Agreement: No failure of any party to insist upon strict observance of any provision of this Agreement, and no custom or practice of the parties at variance with the terms hereof, shall be deemed a waiver of any provision of this Agreement in any instance.

10. Notice: Any notice, request, or demand given or required to be given under this Agreement shall, except as otherwise expressly provided herein, be in writing and shall be deemed duly given only if delivered personally or sent by certified mail, return receipt requested to the following addresses:



To the City:

City Manager  
Room 364, Noel C. Taylor Municipal Building  
215 Church Avenue, S. W.  
Roanoke, Virginia 24011

To Garden City:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice shall be deemed to have been given, if delivered personally, upon delivery, and if mailed, upon the third business day after the mailing thereof.

IN WITNESS WHEREOF, the parties hereto have executed the same as of the day and year first hereinabove written:

**ATTEST:**

**CITY OF ROANOKE**

\_\_\_\_\_  
Mary F. Parker, City Clerk

By \_\_\_\_\_  
Darlene L. Burcham,  
City Manager

**ATTEST:**

**GARDEN CITY RECREATION CLUB**

By \_\_\_\_\_  
Secretary

By \_\_\_\_\_  
President

Approved as to Form:

Approved as to Execution:

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Assistant City Attorney

WELL-KNOWN MATERIAL | LOAD

DECORO

1865 FEM 2x6 SO. PINE # MULTI-SPAN  
LENGTHS: 53 @ 35'-0"

9 LBS. OF 16d GALV. COMMON NAILS

NOTE:  
DECK LENGTHS ARE NOMINAL  
ENDS TO BE FIELD TRIMMED.

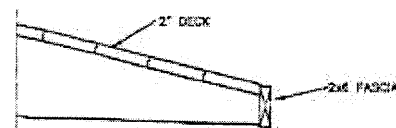
ROOFING

4 ROLLS OF 15# FELT  
9 SOK. OF CLASS A FIBERGLASS SHINGLES (AUTUMN BROWN)  
5 LBS. OF 1" GALV. ROOFING NAILS

FASCIA

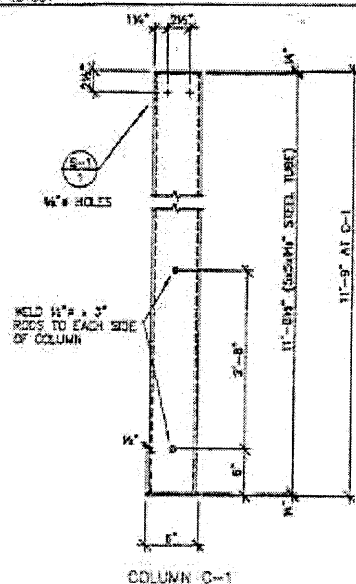
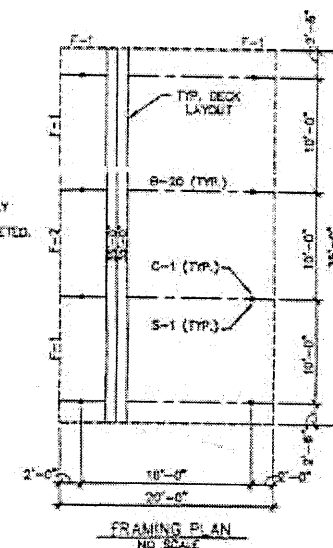
#1 2x6 S.Y.P. PRESSURE TREATED (SEE WOOD MAT. LIST)  
2 LBS. OF 16d GALV. COMMON NAILS

STEEL NOTE:  
A) TO BE POWDER COATED, MAPLE BROWN COLOR



FACTS DETAIL

PRELIMINARY NOTE  
#1 - ALL MEMBERS MUST BE PROPERLY  
BRACED UNTIL THE STRUCTURAL  
ROOF SYSTEM HAS BEEN COMPLETED



5'-0" STEEL COLUMN

ALLOWABLE SOIL BEARING STRESS IS ASSUMED TO BE 2000 PSF WITH A MAXIMUM LATERAL BEARING STRESS OF 200 PSF.

SLAB (NOT BY ENWOOD)

0'-0"

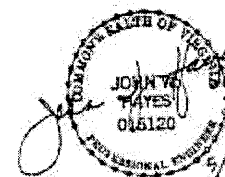
3'-0"

4'-0"

24" O.D. CONCRETE ENCASEMENT (NOT BY ENWOOD)

SUGGESTED COLUMN  
EMBEDMENT DETAIL  
(NOT BY INWOOD)

**LYSAGHT & ASSOCIATES, P.A.**  
STRUCTURAL ENGINEERS  
130 St. Mary's Street  
Raleigh, North Carolina 27605  
(919) 833-0496




5/15/02

WEIGHT OF HEAVIEST MEMBER IS 412 LBS. (H-20)

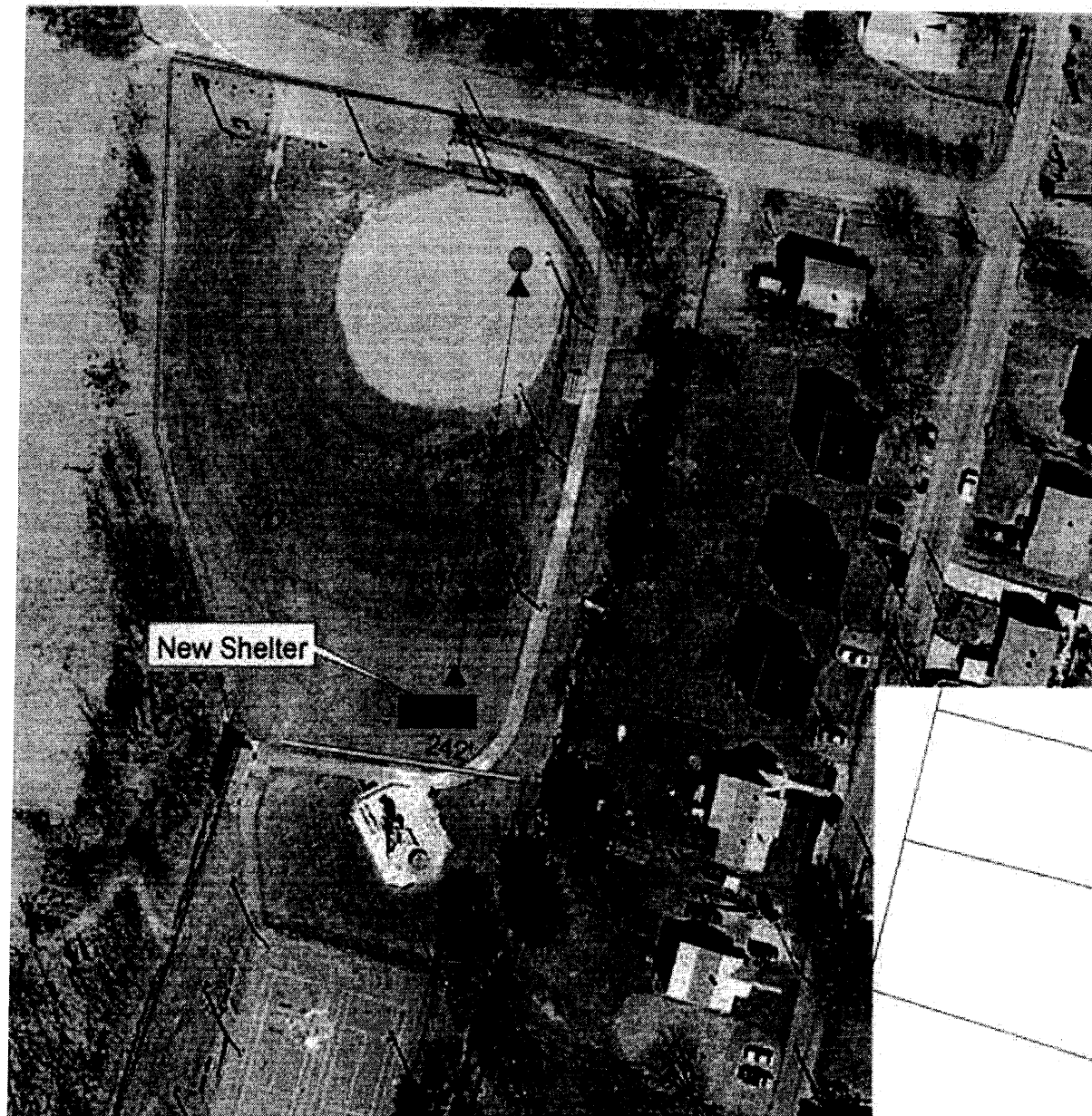
### A.I. I.C. CERTIFICATE & MARKS

COPYRIGHT (C) INWOOD STRUCTURES, LLC - MORRISVILLE, NC — ALL RIGHTS RESERVED AND ENFORCED.




20' x 35' RAISED & WOOD. W/UNFINISHED STEEL COLUMN. 14-5000

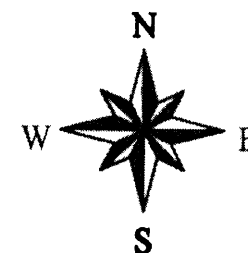
MATERIAL: STEEL CHANNEL, GALV. UNPAINTED BEARING: PINE LUMBER WORKMAN: BUCHHEIM										SECTION DATA D.L. = 12 PSF L.L. = 30 PSF ROOF SNOW W.L. = 20 PSF (MINIMUM 30 MPH)										CHIMNEY WIND ALT.		 <b>ENWOOD STRUCTURES</b> <small>MANUFACTURING &amp; ERECTING</small>		ELEMENTS DATA - MATERIAL HEIGHT:      LENGTH:      WIDTH:      GRADE:      JUNE:      JUNE:				ORDER NO. 02-PS-2324 APPROVED FOR FABRICATION:		GARDEN CITY RECREATION CLUB SHELTER ROANOKE, VIRGINIA ARCHITECT:      CONTRACTOR:		ORDER NO.      OF      ONE	
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**EXHIBIT A**



**Roanoke Parks & Recreation  
Garden City Park:  
New Shelter Location  
9-20-02**

 Parkboundary.shp  
 City\_parcels.shp  
 Citywide.shp



**EXHIBIT B**

To Each Council Person  
City Council  
215 Church Avenue  
Roanoke, Virginia 24011

Charles W. Hancock, President  
Garden City Civic League  
1016 Estates Road  
Roanoke, Virginia 24014  
November 12, 2002

Dear Council Person,

The Garden City Civic League and The Garden City Recreation Club would like to donate a picnic shelter to the Garden City Park . The Recreation Department and the two organizations have been working together for the betterment of our community since 1996 and have made several improvements to the park. This Grant was one of two Grants, received from the Neighborhood Partnership and both approved by Council , the first in 1996, for a wall, and the second in 2000, for the picnic shelter which has not been built because of unforeseen problems. All problems been resolved. We need you to approve this donation again. The shelter is purchased and shipped to Roanoke and once you approve this, we are ready to construct. Thank you for your understanding.

cc

Mayor Ralph Smith  
Nelson Harris  
Bill Carder  
Bill Bestpitch  
Linda Wyatt  
Alfred T. Dowe, Jr.  
M. Rupert Cutler

Sincerely,

  
Charles W. Hancock

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to execute an agreement between the City of Roanoke and the Garden City Recreation Club, accepting a donation of materials and supplies, including a concrete pad, for the construction of a 20' x 35' shelter in Garden City Park, upon the terms and conditions set out in the City Manager's letter dated November 18, 2002, to this Council, and expressing appreciation for such donation.

WHEREAS, as outlined in the Parks and Recreation's Comprehensive Master Plan, all City parks should have a fair and suitable distribution of park amenities;

WHEREAS, currently, Garden City Park's amenities include only a playground, restrooms, and athletic fields;

WHEREAS, the Garden City Recreation Club has offered to donate materials and supplies, including a concrete pad, for the construction of a 20' x 35' shelter in Garden City Park to the City; and

WHEREAS, upon execution of the agreement by the City Manager and completion of the project in March, 2003, the City will own, maintain and manage use of the shelter on the same terms and under the same conditions as are shelters in other parks owned by the City.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the agreement between the City of Roanoke

and the Garden City Recreation Club attached to the City Manager's report dated November 18, 2002, to this Council, approved as to form by the City Attorney.

2. This Council hereby accepts the donation of materials and supplies, including a concrete pad, for the construction of a 20' x 35' shelter in Garden City Park, a total value of \$7,500.00.

3. This Council wishes to express its appreciation and that of the citizens of the City of Roanoke to the Garden City Recreation Club for its generous donation to the City.

4. The City Clerk is directed to transmit a copy of this resolution to the Garden City Recreation Club, expressing the City's appreciation for this donation.

ATTEST:

City Clerk.



**WILLIAM M. HACKWORTH**  
CITY ATTORNEY

**CITY OF ROANOKE**  
**OFFICE OF CITY ATTORNEY**  
464 MUNICIPAL BUILDING  
215 CHURCH AVENUE, SW  
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431  
FAX: 540-853-1221  
EMAIL: cityatty@ci.roanoke.va.us

**ELIZABETH K. DILLON**  
**STEVEN J. TALEVI**  
**GARY E. TEGENKAMP**  
**DAVID L. COLLINS**  
**HEATHER P. FERGUSON**  
ASSISTANT CITY ATTORNEYS

November 18, 2002

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Re: 2003 Legislative Program

Dear Mayor Smith and Members of Council:

On November 4, 2002, City Council's Legislative Committee met to review the proposed 2003 Legislative Program. A copy of this Legislative Program is attached. After careful review, the Committee recommends it to City Council for favorable action. The School Board portion of the Program was approved by the School Board at its meeting on November 11, 2002.

As Chair of the Legislative Committee, I wish to thank the other members of Council, who comprise the Committee, and Mr. Day and Mr. Lindsey of the School Board. We also wish to thank Tom Dick, our Legislative Liaison, and Bill Hackworth, City Attorney, who coordinated and prepared this Program.

As Chair of the Legislative Committee, I commend the Program to City Council for its approval. I am confident the members of the Council will agree that the recommended Program will advance the legislative interests of the City and its people at the 2003 Session.

Respectfully submitted,

William H. Carder, Chair  
Legislative Committee

WHC/f

Honorable Mayor and Members  
of City Council  
November 18, 2002

Page 2

Attachments

cc: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
F. B. Webster Day, Esquire  
William H. Lindsey, Esquire  
Dr. E. Wayne Harris, Superintendent  
Richard L. Kelley, Assistant Superintendent  
for Operations and Legislative Liaison  
Mary F. Parker, City Clerk  
Thomas A. Dick, Legislative Liaison



**2003**

# **LEGISLATIVE PROGRAM**



**CITY OF ROANOKE**

**CITY COUNCIL**

Ralph K. Smith, Mayor  
C. Nelson Harris, Vice-Mayor  
William D. Bestpitch  
William H. Carder  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
Linda F. Wyatt

**SCHOOL BOARD**

Gloria P. Manns, Chair  
Ruth C. Willson, Vice-Chair  
F. B. Webster Day  
Marsha W. Ellison  
William H. Lindsey  
Melinda J. Payne  
Robert J. Sparrow

**CITY MANAGER**

Darlene L. Burcham

**SUPERINTENDENT**

Dr. E. Wayne Harris

William M. Hackworth  
City Attorney  
464 Noel C. Taylor Municipal Building  
Roanoke, VA 24011  
540-853-2431

# **2003 Legislative Program**

## **Legislation Requested**

- 1. Roanoke Civic Center, Amphitheatre and Stadium Improvements Funding** - The City's civic events infrastructure - the civic center, amphitheatre and stadium - require substantial investment to meet the needs of the community. The City has funded \$21.2 million in improvements to the Civic Center and the construction of a new stadium/amphitheatre. The next phase of improvements to the Civic Center will involve construction of new exhibit space and additional improvements to cost \$14.9 million. Additional flexibility in the local funding mechanisms allowed by the State to cover debt service for those projects is needed. The legislature should grant authority to allow any locality the discretion to levy its admissions tax at designated public facilities at a higher rate than is applicable elsewhere in the locality. Such a provision would allow the locality to impose a lower admissions tax rate at privately owned facilities.
- 2. Two-Tiered Real Estate Tax Authority** - To improve opportunities for development and redevelopment, the City requests authority to impose a two-tiered real estate tax. Such authority, which the General Assembly has already granted the City of Fairfax, would be permissive and allow the City to tax the improvements to real property at a separate rate (but not exceeding) the rate on the real property itself. Authority to impose a tax rate on the improvements to the property at a lower rate than that on the real property would create much needed additional incentives for investment in the City.
- 3. Liens Against Real Estate for Unpaid Water Bills** - Roanoke requests legislation to allow the City to place a lien against real estate in order to collect unpaid water bills. The City already has this authority with regard to sewer bills. Section 21-118.4 of the Code of Virginia grants this power to localities that have created sanitary districts, §15.2-5139 provides this power to public service authorities and §15.2-2118 grants this authority to 16 additional localities. The City requests that it be added to the localities with this authority under section §15.2-2118.
- 4. Civil Penalties for Inoperable Motor Vehicles and Trash and Weed Violations** - To address the problem of blight in the City and other localities in the State, legislation is needed to allow localities the flexibility to impose civil penalties for violations of inoperable motor vehicles and local trash and weed removal ordinances.
- 5. Absentee Landlord Representation** - Section 55-218.1 of the Code of Virginia requires property owners who own four or more units in the Commonwealth of Virginia, but do not reside in the Commonwealth themselves, to maintain an agent who is a resident of the State. It is difficult to serve summons and other notices on property owners who do not live in the same locality, delaying action to address blight. The General Assembly is requested to amend this Code section to require that the property owner's leasing agent or representative operate in the same locality as the property or in an adjacent locality.

**6. Study of Delinquent Tax Sale Process** – The process to sell or transfer property with delinquent real estate taxes is difficult and time consuming. The General Assembly is requested to study ways to streamline this process that would include, among other things, looking at the process utilized in other states.

#### **Other Legislative Priorities**

**1. Opposition to Restrictions on Local Zoning Authority** – The City opposes any legislation such as HB 1212, introduced during the 2002 General Assembly, that would limit the authority of the City to restrict certain types of housing in certain areas of the City.

**2. Opposition to Biosolids Restrictions** – The City opposes legislation such as SB 618, also introduced in the 2002 General Assembly, that would allow localities to restrict or prohibit the application of biosolids in the locality.

**3. Support for Virginia First Cities Coalition** - As a member of Virginia First Cities, a group of 15 of the State's older cities, Roanoke supports the broad legislative objectives of this coalition, including: restructuring the State's tax system to raise State tax revenues to generate the additional funding required annually for education, transportation and human services; the adoption of an urban policy and smart growth strategies and holding older, core cities harmless from any budget balancing actions because of the fiscal stress they are facing.

Additionally, Roanoke supports the First Cities efforts to:

- a. Minimize the loss of State aid to localities that disproportionately affects Virginia First Cities, including preserving education funding, human services, enterprise zone tax credits, juvenile justice and 599 funds.
- b. Support further funding for education; allowing cities more flexibility to manage urban construction funds; changing the street maintenance formula to better reflect the cost; and adding legislative language to the State Code section on comprehensive plans to provide housing opportunities for all income levels.

#### **School Board Legislative Priorities**

The major legislative priorities listed in priority sequence of the Roanoke City School Board are for the State:

1. To improve its share of funding public education based on the results of the JLARC study
2. To communicate to our legislators that any reduction in State funding must be made through an across-the-board budget reduction rather than reductions in specific programs

3. To enhance the State's support of school capital outlay projects through a permanent funding source for school construction and debt service requirements that will fund 55% of school construction needs over the next five years (This legislative issue has been adopted by the seven school boards and governing bodies who are members of the Roanoke Valley School Boards Consortium as a funding priority for FY2003-04)
4. To maintain local governance over K-12 educational and administrative issues
5. To continue to support standards and consequences for school accreditation that are non-punitive in nature
6. To address student safety and discipline issues through additional funding and program support, and
7. To provide incentives for the recruitment and retention of teachers and principals

The City of Roanoke endorses the School Board Legislative Program in its entirety and incorporates it into the City's Legislative Program.

### **Legislation the City Would Support**

#### **TransDominion Express**

Roanoke supports the proposal to extend passenger rail service from Bristol through Roanoke and on to Lynchburg and then to Washington, D.C. and Richmond, VA. Roanoke is the largest city in Virginia without passenger rail service. The 2000 General Assembly provided \$9 million in preliminary funding for this important economic development initiative. The City supports the additional State funding necessary to place the service into operation.

#### **Access to VCIN for Parking Ticket Enforcement**

The City supports legislation to slightly broaden local government access to the Virginia Criminal Information Network (VCIN). This is needed to obtain the name and address of ticketed drivers from out-of-state so they can be required to pay their parking tickets. In Roanoke, the Director of Finance, who is responsible for collecting on these tickets, does not fall under the current definition of local officials who are authorized by the Virginia Code to have such access. Section 46.2-100 should be amended to include Directors of Finance.

#### **Service of Civil Process Fees**

Roanoke supports legislation to allow the City to keep the revenue it receives from the fees paid when civil process papers are served by the Sheriff's office. Section 15.2-1609.3 requires that any amounts collected "in excess of such fees received in fiscal year 1994" be remitted to the State Treasurer. Such fees are more appropriately retained by the locality.

### Courthouse Security Fee

Section 53.1-120 of the Code of Virginia allows all local governments to assess a sum not in excess of five dollars as part of the costs in each criminal and traffic case in both district and circuit courts for the funding of courthouse security personnel. This Code section has a July 1, 2004, sunset provision. The City supports deleting this sunset language.

### Jail Funding Formula

The formula that allows the state to recover personnel costs when local jails house federal inmates should be modified to more appropriately reflect the costs to localities of housing these prisoners.

### Blight Related Remedies

Roanoke City supports several important remedies to the problem of urban blight:

- The General Assembly should amend §15.2-1127 of the State Code to increase the current registration fee of \$25 for vacant buildings to \$500 to assist localities in addressing the additional costs of fire, police and inspection activities related to vacant properties.
- The State should streamline the legal process applicable to sale of properties on which delinquent taxes are owed so that these properties can be transferred to responsible ownership more expeditiously and less expensively; or in the absence of this, the State should allow localities to sell real estate tax lien certificates as done in some other states.
- The City supports legislation to allow eligible projects in enterprise zones to consist of up to 80 percent residential use.
- The State should delete the requirement in the enterprise zone real property investment tax credit that the owner or tenant receiving the credit actually conduct business on the property.

### Regional Competitiveness Act Funding

In the past, this State funding primarily supports workforce development efforts to strengthen the region's competitiveness. Additional funding by the State of this program is recommended.

### Aircraft Taxation and Incentives

The City of Roanoke supports tax incentives that would provide encouragement for aircraft to be located at Virginia airports. Section 58.1-1500 of the State Code should be amended to reduce the State's tax on the sale of aircraft in the Commonwealth. Any reduction in revenues should be replaced with State general fund dollars.

### Telecommunications Tax Collections

Localities are losing tax revenues provided for under existing law from telecommunications firms that begin new service in a locality but never notify that locality that they are operating. The City supports legislation to require each telecommunications company to notify each locality that they are doing business in that locality. Additionally, some types of telephone services, such as prepaid

cellular services and telephone cards, are not taxed or are not taxed on the same basis as other telephone services. Some equitable way of assessing the required tax on mobile telecommunications (\$3.00 or ten percent of the first \$30.00) should be found, such as imposing the tax on whatever entity wholesales such services or cards to retailers. Roanoke also supports an amendment to the Code of Virginia to clarify that the City can impose a late payment penalty and disallow the collection fee/discount for late payment of local taxes by utilities collecting the Consumer Utility Tax, E-911 tax and other taxes.

## **Policy Positions**

### **Commissions to Study Local Government Needs**

The legislature is conducting studies concerning State and local tax structure. In recent years, numerous studies have been conducted that have provided useful information. The Commission on the Future of Virginia's Cities and The State and Local Tax Structure Commission have identified issues and developed recommendations that have not been implemented. Roanoke recognizes the need for review of these important issues but urges that useful results of the studies actually be implemented by the legislature so their benefits will finally be realized.

### **State Support for Cultural Agencies and Activities**

Institutions such as the Center in the Square and its constituent agencies, the Virginia Museum of Transportation and the Commonwealth Games all attract tourists to the region and help support the economy. City Council is appreciative of the legislature's partial funding of regional cultural institutions and regional events in previous years. The State is encouraged to develop a policy that ensures stable funding for these agencies. Additionally, a regional funding mechanism is needed to provide a source of funding for environmental, entertainment, and cultural assets. The City supports legislation that would allow for the development of funding from regional resources for cultural, historic, and recreation amenities such as a Blue Ridge Asset District.

### **Mental Health Funding**

The State should expand its scope of mental health services to include those with traumatic brain injuries. The State should provide additional funding to operate a comprehensive mental health facility in the western part of the State. Such facilities already operate in at least two other parts of the State, but not in the southwestern region of Virginia. The City supports line item funding in the State budget for "Brain Injury Services of Southwest Virginia". Additionally, special consideration should be given to meeting mental health needs that fall under the jurisdiction of the court system.

### **Transportation (Including Mass Transit) Funding**

Adequate funding, especially that for mass transit, is critical to keep Virginia's transportation system viable. In addressing transportation needs, the General Assembly should consider: adjusting fund sources such as the motor fuels tax, to keep pace with inflation; imposing moderate increases in state transportation-related taxes and fees; authorizing more options for long-term financing for major projects; authorizing the creation of regional transportation districts; seeking equity among various road users by ensuring that trucks pay their proportionate share of road costs and promoting mass transit solutions on a regional and statewide basis.

### Standards for Adult Homes

The State should raise its standards for adult homes to more fully reflect the care needed for this population segment. Additionally, the State should improve funding for adult homes, particularly for indigent care.

### Zoning Districts

Roanoke opposes any legislation that would restrict present land use powers of local governments to establish, modify and enforce zoning classifications. Local governments should remain free to adopt and enforce zoning changes that address local land use needs. The City opposes any legislation that would limit local government regulation of historic zoning districts and its ability to accept proffered conditions in rezonings that relate to building features and materials.

### Redevelopment Initiatives

Roanoke City opposes further restrictions on eminent domain powers of State and local governments.

## **General Policy Considerations**

The Federal and State governments should recognize that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. Roanoke remains concerned with the cumulative effect of Federal and State legislative and regulatory mandates that have stressed the serious financial problems of local governments. It is essential that the State fully fund all State mandates, including public employee salaries.

Roanoke is vitally concerned over the continued erosion of local revenue sources. The General Assembly is urged to leave the taxing authority and revenue sources of local governments alone. Additionally, the State should pay a greater share of the costs of education and other essential services.

City Council calls upon the Governor and the General Assembly to develop an economic development strategy for the Commonwealth and its local governments. The strategy should include special programs for those areas west of the Blue Ridge mountains and central cities across the Commonwealth. Tourism and convention activities that enhance the economic well being of the State and its political subdivisions should be recognized as legitimate components of economic development.

## **ROANOKE CITY PUBLIC SCHOOLS LEGISLATIVE PROGRAM--FY2002-2004 BIENNIUM**

### **State Standards**

The State's new standards for the accreditation of public schools will be fully implemented with the class of 2004 (present eleventh grade students). The standards provide high expectations for students and schools in order for schools to be accredited and for students



to graduate from high school. The standards are based on a rigorous curriculum which is annually tested, making the schools and teachers accountable for student achievement.

### **Roanoke City Public Schools' Legislative Issues**

The Roanoke City Public Schools' legislative program for the second year of the 2002-2004 Biennium addresses the State initiatives necessary to assist urban school districts in meeting and exceeding the State accreditation standards. The School Board's emphasis on student promotion and intervention will be the foundation for raising school and student performance to the State standards. The School Board's legislative agenda identifies progressive legislative strategies and outcomes that are crucial to meeting the Schools' educational goals and the public's expectations for student success.

The Roanoke City School Board and Superintendent have established high expectations and standards for schools and students. The objectives include: 1) Improving student achievement and focusing on student reading skills; 2) Increasing the student attendance rate; 3) Improving physical education scores on the State test; 4) Decreasing the student drop-out rate; 5) Increasing staff accountability for student performance; and 6) Improving the competitiveness of employee salaries.

During the first year of the current Biennium, eleven Roanoke City schools met the new State accreditation standards and four schools missed accreditation by a small margin. All Roanoke City schools demonstrated improvement on the core SOL tests. The Roanoke Valley's legislative team is to be commended for its exceptional work during the last three Bienniums in securing additional State funding for education that is greatly assisting the City schools in our initiatives to meet the State standards.

The Roanoke City School Board's legislative package for the second year of the 2002-2004 Biennium asks that the General Assembly continue to improve the State's share of funding the Standards of Quality and Standards of Accreditation.

The JLARC study released in the fall of 2001 indicated that the funding gap is over \$600 million in comparing actual State funding to required State funding in meeting the Standards of Quality. Last Spring the General Assembly implemented the first phase of funding to meet the gap noted by the JLARC study. The General Assembly needs to continue the phase-in of funding to meet the recommendations of the JLARC study.

### **School Board Legislative Priorities**

The legislative priorities of the Roanoke City School Board listed in priority sequence are:

1. To improve its share of funding public education based on the results of the JLARC study

2. To communicate to our legislators that any reduction in State funding must be made through an across-the-board budget reduction rather than reductions in specific programs
3. To enhance the State's support of school capital outlay projects through a permanent funding source for school construction and debt service requirements that will fund 55% of school construction needs over the next five years. (This legislative issue has been adopted by the seven school boards and governing bodies who are members of the Roanoke Valley School Boards Consortium as a funding priority for FY2003-04)
4. To maintain local governance over K-12 educational and administrative issues
5. To continue to support standards and consequences for school accreditation that are non-punitive in nature
6. To address student safety and discipline issues through additional funding and program support, and
7. To provide incentives for the recruitment and retention of teachers and principals

The Governor and General Assembly have said that public education is a priority in the Commonwealth; however, State funding for education has declined from slightly more than 50% of the total State budget for the 1976-78 Biennium to about 32% of the State budget during the current Biennium. Legislative actions taken by the State during the first year of the current Biennium have substantially increased the State's funding commitment to public education. However, the State's economic difficulties during the past two years have resulted in an average increase of only \$725,000 in State funding. Public surveys, both at the State and local levels, indicate the public believes the legislature should continue the emphasis on educational initiatives and funding.

The General Assembly should continue its emphasis on **reducing disparity as it relates to student performance**. State incentive programs for reducing class size and educating preschool age children should continue to be expanded. Roanoke City has taken advantage of both of these State incentive programs. All 19 of its 21 elementary schools eligible to participate in the primary class size initiative are participating in the program, while 11 preschool classes have been added in the last five years.

The State should improve its share of funding public education by increasing the State's share of financial support in the following areas:

- Average Teacher Salary - The State Basic Aid formula for average teacher salaries should use the national average for teacher salaries as the basis for teacher salary cost rather than using the prevailing average for the State.

- School Staffing Ratios - The average class size for grades 4 & 5 in Roanoke City is 18 to 1 but the State formula only supports a ratio of 25 to 1. It costs an additional \$1.7 million in local funds to support lower class sizes.
- Preschool Programs - The State should fund preschool programs at a level which serves 100% of the eligible preschool age population rather than 60% of the eligible preschool age population.
- Truancy Programs - Visiting teachers must be included in the Standards of Quality since they are essential to Roanoke City's truancy prevention programs. The locality expends \$365,000 in funds to support the positions.
- Alternative Education - State funds provide support for only 10% of the program's cost. The remaining costs amounting to \$1.3 million are funded by the school district.
- School Resource Officers - The Standards of Quality should include School Resource Officer positions. The Roanoke City Schools now expend \$271,000 for these positions with no funding support from the State.
- School Security Equipment - No funds are provided from the State for school security equipment (e.g., video monitors, metal detectors, and radios). The State should provide a minimum of \$15 per pupil for the purchase of such equipment.

Most school districts in the State have experienced severe problems in the recruitment of teachers and school principals. **The State should provide incentive funds to attract and retain teachers and principals.** The incentives would include: 1) Scholarships for instructional aides and other support personnel who wish to obtain a teaching degree; 2) Internships for high school and college students to acquaint them with teaching as a profession; 3) Pay differentials for teachers and principals working in schools with a high percentage of at risk students; 4) Financial incentives for new teachers including relocation and signing bonuses, interest free loans for home purchase, and tax exemptions for teachers and principals working in schools located in economic enterprise zones.

**The State has set school and student accountability as a priority.** In response to the new State standards, the School Board has adopted a school incentive program that relates its objectives to measurable standards for schools and students. The State Department of Education has adopted accreditation standards based on student test performance that may result in schools losing their accreditation status. The General Assembly is encouraged to ensure that the consequences of not meeting accreditation standards are not punitive for both schools and students.

The State has directed a substantial portion of State Lottery profits to school construction needs. Despite the infusion of these new funds, **Roanoke City still faces a large deficit in meeting its future requirement for school construction which totals over \$100 million.** The capital projects include elementary school renovation, additional classrooms and physical education facilities, instructional technology, and air conditioning improvements. Major

renovation of the City's two high schools will be required starting in FY2005. State funds are available to fund only 17% of the total requirement.

Statewide, over **\$6.6 billion in school capital requirements exists with only about \$4.0 billion available to meet these needs.** The General Assembly should adopt legislation to create an education infrastructure trust fund to finance direct grants for school construction needs using State Lottery proceeds. The trust fund should fund at least 55% of school construction requirements over the next five years.

### **Standards of Learning**

The State Department of Education has implemented a comprehensive set of learning standards for students and accreditation standards for schools. The Standards of Learning combined with the Standards of Accreditation are the basis for a system of school and student accountability. The General Assembly should continue to review the standards to ensure:

- School improvement should be evaluated over time based on continuous progress, with additional funding assistance provided to schools based on the need for teacher professional development and student intervention services.
- School accreditation should be based on a combination of factors which, at a minimum, should include mastery of the Standards of Learning (SOL) and compliance with standards that are actually funded by the State. Other factors should include attendance and dropout rates, business and technical education certifications, and performance on other tests such as the Stanford Achievement Test.
- The Standards of Quality (SOQ) and accreditation must be adequately funded by the General Assembly to include teacher training, instructional materials and textbooks, testing services, and instructional equipment and technology.

### **Pupil Services**

Legislative actions related to pupil services issues must be oriented to improving student achievement and reducing educational disparity. Recent events and concerns regarding potential terrorist activity dictate that the State must assume a larger role in funding school security and safety requirements. Localities must retain flexibility in dealing with issues regarding student placement and a student's school attendance. Issues of concern include the following:

- State funding for truancy and absenteeism programs should be enhanced through the inclusion of visiting teachers in the Standards of Quality at the rate of one per every 500 students.
- The State should fund at least 50% of the locality's cost for alternative education and should provide for the funding of multiple sites within a school district. Alternative education funding provided by the State should recognize the high cost of transportation and facility services needed to support the program.

- State funding must be provided for the assignment of a school resource officer to every secondary school through the inclusion in the Standards of Quality of one resource officer per middle school and one per every 500 students at the high school level.
- School security equipment including two-way communication between school offices and classrooms, video monitors, metal detectors, and radios/cellular telephones should be funded by the State. At minimum, each school in the Commonwealth should receive \$15 per pupil for security related equipment.
- Localities must retain flexibility in the educational placement required by the State for suspended or expelled students.
- Roanoke City now employs 12.5 FTE school nurses with local funds. The State should fund student health related services on the basis of one nurse for every 1,000 pupils in membership.

### **Construction and Technology**

The maintenance and construction of school facilities has reached a crisis situation in Virginia with over 65% of all buildings being over 25 years old. Local funds to resolve the crisis are not readily available, and State funding through the Literary Fund does not have the capacity to support the immediacy of the requirement. Technology dictated by the new Standards of Learning requires a massive infusion of new equipment and retooling of facility infrastructures. Additional technology personnel are required to assist schools with technology operations and training. The General Assembly is urged to address construction and technology issues as follows:

- The funding capacity of the Literary Fund must be restored and protected over the next two Biennia in order that additional capital funds may be loaned to localities.
- The State maintenance fund which was eliminated in the current year budget should be restored at \$15 per pupil.
- A permanent education infrastructure trust fund should be created to provide direct construction grants to schools in order to address the current crisis for building modernization and to provide for the additional classrooms required by State initiatives for smaller classes. The fund should provide 55% of the monies required over the next five years to meet school construction requirements.
- Student technology requirements required by the new Standards of Learning should be incorporated into the Standards of Quality in order that funding may be secured for these requirements. The Standards of Quality should include a minimum of one technology assistant for every school.

## **School Governance**

Local control and flexibility in school operations is a priority for school boards if the State expects accountability standards to be meaningful and achievable by schools and students. Such flexibility involves management of school finances without mandates to relinquish control to the local governing body. Governance issues of legislative concern during the next legislative session include the following:

- The local school board should have control over the school calendar and the opening and closing dates for the school year.
- The present system of State waivers for school accreditation standards should be continued.
- Local school boards must maintain control over the establishment and operation of charter schools as provided for in legislation adopted during the previous Biennium.
- Drug testing of students and school personnel should be a local option and not mandated by the state.
- Local school boards should retain the right to regulate the use of non-prescription drugs by students on school property.
- A State study should be conducted on increasing the length of the school year and school day in conjunction with intervention programs designed to assist schools in meeting the Standards of Accreditation.
- State funding should be continued for the Standards of Quality regarding elementary guidance counselors and reading teachers where the Virginia Department of Education has revised the mandate.
- The State should not provide tax credits to parents of children enrolled in private schools or tax credits for donations to fund scholarships for the attendance of children at private schools.

## **Governor's School Program**

A total of 15 academic-year Governor's Schools now serve 5,200 students statewide. Prior to the 1998-2000 Biennium, State funding for ongoing Governor's Schools had been frozen since 1992 at a fraction of \$2,765 per pupil based on each district's composite index. During the current Biennium, per pupil funding for ongoing Governor's Schools has been increased to \$3,410, again based on each district's current composite index. It is imperative that the State continue to increase per pupil funding for the Governor's Schools at an annual rate of increase equivalent to the annual rate of increase in per pupil cost as computed for the State Standards of Quality.

### **State Budget Constraints**

Current economic conditions may require the State to reduce Aid to Public Education for the second year of the Biennium. If the State is forced to implement reductions to education funding, such reductions should occur through across the board cuts, rather than reducing specific programs. This option will provide flexibility to local school districts in determining the reductions that will take place at the local level.

WMH

**IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,**

**A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2003 Session of the General Assembly.**

**WHEREAS, the members of City Council are in a unique position to be aware of the legislative needs of this City and its people;**

**WHEREAS, previous Legislative Programs of the City have been responsible for improving the efficiency of local government and the quality of life for citizens of this City;**

**WHEREAS, Council is desirous of again adopting and endorsing a Legislative Program to be advocated by the Council and its representatives at the General Assembly; and**

**WHEREAS, the Legislative Committee of City Council has by report, dated November 18, 2002, recommended to Council a Legislative Program to be presented at the 2003 Session of the General Assembly;**

**THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:**

**1. The Legislative Program transmitted by report of the Legislative Committee, dated November 18, 2002, is hereby adopted and endorsed by the Council as the City's official Legislative Program for the 2003 Session of the General Assembly.**

**2. The Clerk is directed to issue cordial invitations to the City's Senator and Delegates to the 2003 Session of the General Assembly to attend Council's meeting relating to legislative matters, to be held at 12:15 p.m., on December 2, 2002.**

**ATTEST:**

**City Clerk.**





Gloria P. Manns, Chairman  
 Ruth C. Willson, Vice Chairman  
 F. B. Webster Day

Marsha W. Ellison  
 William H. Lindsey  
 Melinda J. Payne

Robert J. Sparrow  
 E. Wayne Harris, Ed.D., Superintendent  
 Cindy H. Lee, Clerk of the Board

Roanoke  
 City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

November 18, 2002

The Honorable Ralph K. Smith, Mayor  
 and Members of Roanoke City Council  
 Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its November 11 meeting, the Board respectfully requests City Council to approve the appropriation of \$856,000 for School Instructional Technology funds. The funds will be used for the purchase of school instructional technology equipment which will enable students in grades six through eight to take the Standards of Learning tests on-line. This continuing program will be one hundred percent reimbursed by State bond funds.

The School Board appreciates your approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns  
 Dr. E. Wayne Harris  
 Mr. Richard L. Kelley  
 Mr. Kenneth F. Mundy  
 Mr. William L. Murray

Mrs. Darlene Burcham  
 Mr. William M. Hackworth  
 Mr. Jesse A. Hall  
 Mrs. Ann H. Shawver (with  
 accounting details)



# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

Director of Finance

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

November 18, 2002

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable William H. Carder, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

\$856,000 for School Instructional Technology funds. The funds will be used for the purchase of school instructional technology equipment which will enable students in grades six through eight to take the Standards of Learning tests on-line. This continuing program will be one hundred percent reimbursed by proceeds from State bond funds. Therefore, debt will be incurred by the State and will not increase the School's debt service.

I recommend that you concur with this report of the School Board.

Sincerely,

Jesse A. Hall

Director of Finance

JAH/ctg

c: Darlene L. Burcham, City Manager  
 William M. Hackworth, City Attorney  
 Mary F. Parker, City Clerk  
 E. Wayne Harris, Superintendent of City Schools

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 School Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Education	\$147,114,988
School Instructional Technology 2002-03 (1) .....	856,000

**Revenues**

Education	\$147,114,988
School Instructional Technology 2002-03 (2) .....	856,000

- |                         |                          |            |
|-------------------------|--------------------------|------------|
| 1) Additional - Data    |                          |            |
| Processing Equipment    | (030-062-6845-6002-0826) | \$ 856,000 |
| 2) State Grant Receipts | (030-062-6845-1100)      | 856,000    |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Gloria P. Manns, Chairman  
 Ruth C. Willson, Vice Chairman  
 F. B. Webster Day

Marsha W. Ellison  
 William H. Lindsey  
 Melinda J. Payne

Robert J. Sparrow  
 E. Wayne Harris, Ed.D., Superintendent  
 Cindy H. Lee, Clerk of the Board

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November 18, 2002

The Honorable Ralph K. Smith, Mayor  
 And Members of Roanoke City Council  
 Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its November 11 meeting, the Board respectfully requests City Council to approve a State Literary Fund loan application in the amount of \$1.3 million for improvements to Lincoln Terrace Elementary School. The loan application includes resolutions for architectural supervision and a site waiver. The debt service on the loan will increase the Board's debt service expenditure by \$104,000 commencing in FY2004-05, but no debt service liability is incurred until funds are drawn against the loan account.

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

Enc.

cc: Mrs. Gloria P. Manns  
 Dr. E. Wayne Harris  
 Mr. Richard L. Kelley  
 Mr. Kenneth F. Mundy  
 Mr. William L. Murray

Mrs. Darlene Burcham  
 Mr. William M. Hackworth  
 Mr. Jesse A. Hall

No. \_\_\_\_\_

## APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIA

Name of School Lincoln Terrace Elementary SchoolName of County-City Roanoke

TO THE STATE BOARD OF EDUCATION,

Richmond, Virginia:

Gentlemen:

The School Board for the City of Roanoke hereby makes application for a

loan of \$ 1.3 million from the Literary Fund of Virginia for the purpose of erecting, enlarging, or altering (making permanent improvement to) a school building located at 1802 Liberty Road, N. W., Roanoke, VA as follows: Describe briefly) Replacement of the existing roof system and skylights, exterior windows and doors, and the heating system; renovation of restrooms and canopy decking; modernization of classroom and office lighting systems; and construction of partitions in the corridors and classrooms.

1. The said building, addition, or permanent improvement described above, to be Brick  
(Type of construction, brick, frame, etc.)

will be used as a Elementary building, and is estimated to cost \$ 2.1 million.  
(Elem., H. S., Comb. Elem. & H.S.)

2. The total estimated value of the existing school plant, including site, plus the proposed building addition, or permanent improvement thereto, is \$ 865,959.

3. There is at present a loan from the Literary Fund on this Lincoln Terrace Elementary School in the amount  
(Building or school plant)

of \$ -0-.

4. The total amount of the loan will not exceed the cost of the building, addition, or permanent improvement thereto, and site, on account of which such loan is made.

5. The site on which this building, addition, or permanent improvement, will be located contains 9.5 acres, of which 9.5 acres are well suited and useable, or can be easily improved and made useable, for playground and recreational purposes.

6. The plans and specifications for the building or improvement, complying with Minimum School Building Requirements, have been or will be approved by the division superintendent of schools and the Superintendent of Public Instruction before construction is begun. It is understood that the State Board of Education reserves the right to withhold any part or all of the amount of this loan, if the plans and specifications approved by the Superintendent of Public Instruction are not followed.

7. The proposed building, addition, or permanent improvement, is desirable because: (Explain briefly) Upgrade an elementary school for the 21st Century

8. The present total indebtedness of the City for school buildings is \$65,499,084 of which \$6,536,000 is owed to the Literary Fund.

9. This County-City has not defaulted or failed to meet its debt service obligations as and when due for the five years except, as follows: None

10. Adequate and satisfactory supervision of construction will be provided by the school board in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education.

11. The building or improvement for which this application for a loan is made is part of a long-range planning program in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education, and is recommended in the study or survey made by (give title and date) Five-Year Capital Improvement Plan, FY2003-2007

12. This loan is to be made for 20 years, and is to be paid in 20 annual installments, with interest at the rate of 4 per centum per annum, payable annually.

13. The Board of Supervisors for the County, or the Council for the City, has by resolution (page 3 of this application agreed to provide for the repayment of this loan.

14. The School Board is not in default in the payment of any part of the principal of any previous loan from the Literary Fund and, for at least two years immediately before this loan, has not been more than six months in default in the payment of interest due on any loan from the Literary Fund.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

THE SCHOOL BOARD OF \_\_\_\_\_ County-City

By \_\_\_\_\_, Chairman

ATTEST: \_\_\_\_\_, Clerk

SEAL



Gloria P. Manns, Chairman  
Ruth C. Willson, Vice Chairman  
F. B. Webster Day

Marsha W. Ellison  
William H. Lindsey  
Melinda J. Payne

Robert J. Sparrow  
E. Wayne Harris, Ed.D., Superintendent  
Cindy H. Lee, Clerk of the Board

Roanoke  
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

November 11, 2002

### RESOLUTION

WHEREAS, the Roanoke City School Board has approved the design plans for Lincoln Terrace Elementary School and actual construction is scheduled to proceed in March, 2003; and

WHEREAS, State Literary Fund Loan regulations require that professional supervision be provided by the School Board for all projects funded by Literary Fund loans.

THEREFORE, BE IT RESOLVED that the Roanoke City School Board agrees to retain professional services (the architectural firm of MarshWitt Associates) to supervise the improvements to Lincoln Terrace Elementary School.

\_\_\_\_\_  
E. Wayne Harris, Ed.D., Superintendent

\_\_\_\_\_  
Gloria P. Manns, Chairman



Gloria P. Manns, Chairman  
Ruth C. Willson, Vice Chairman  
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November 11, 2002

## RESOLUTION

WHEREAS, the Roanoke City School Board has undertaken a project to improve Lincoln Terrace Elementary School; and

WHEREAS, Lincoln Terrace Elementary School is located on approximately 9.5 acres of property and the state requirement for a school of this size is ten acres; and

WHEREAS, Lincoln Terrace Elementary School is located within a densely populated residential area of the City and the acquisition of additional real estate to meet the State requirement for the school's site size is not feasible; and

WHEREAS, the School Board has access to an additional 3.5 acres of City park property adjacent to the school which is dedicated to recreational use:

THEREFORE, BE IT RESOLVED that the School Board of the City of Roanoke, Virginia requests the State Department of Education to grant a site waiver for the improvements to Lincoln Terrace Elementary School.

\_\_\_\_\_  
E. Wayne Harris, Ed.D., Superintendent

\_\_\_\_\_  
Gloria P. Manns, Chairman



6MMH  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund for modernizing Lincoln Terrace Elementary School.

WHEREAS, the School Board for the City of Roanoke, on the 18<sup>th</sup> day of November, 2002, presented to this Council an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$1.3 million, for adding to and improving the present school building at the Lincoln Terrace Elementary School, to be paid in twenty (20) annual installments, and the interest thereon at four percent (4%) paid annually.

BE IT RESOLVED that the application of the City School Board to the State Board of Education of Virginia for a loan of \$1.3 million from the Literary Fund is hereby APPROVED, and authority is hereby granted the said City School Board to borrow the said amount for the purpose set out in said application.

The Council of the City of Roanoke will each year during the life of this loan, at the time it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

ATTEST:

City Clerk.

WMH  
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for adding to and improving the present school building at Lincoln Terrace Elementary and declaring the City's intent to borrow to fund or reimburse such expenditures.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The School Board of the City of Roanoke is authorized to expend out of the City's capital improvement fund up to \$1.3 million for the cost of adding to and improving the present school building at Lincoln Terrace Elementary School ("the Project").
2. In accordance with U. S. Treasury Regulations §1.150-2, it is hereby declared that the City reasonably expects to reimburse capital expenditures and bond issuance costs for the Project with proceeds of debt to be incurred by the City. The maximum principal amount of debt expected to be issued for the Project is \$1.3 million.
3. This is a declaration of official intent under Treasury Regulation §1.150-2.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
 Roanoke, Virginia 24011  
 Telephone: (540) 853-1730 Fax: (540) 853-1230  
 E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

Architectural Review Board  
 Board of Zoning Appeals  
 Planning Commission

November 18, 2002

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from the Western Virginia Foundation for the Arts and Sciences, represented by Stephen W. Lemon, Attorney, that a portion of Shenandoah Avenue, N.E., lying adjacent to parcels bearing Official Tax Nos. 3013603 and 3013604, be permanently vacated, discontinued and closed.

**Planning Commission Action:**

Planning Commission public hearing was held on Thursday, October 17, 2002. By a vote of 6-0-1 (Mr. Chrisman abstaining), the Commission recommended approval.

**Background:**

The petitioner requests the portion of right-of-way on Shenandoah Avenue to add to its site for the redevelopment of Official Tax Map Nos. 3013603 and 3013604. These two parcels house the former Norfolk and Western Passenger Station. The petitioner plans to rehabilitate this structure to accommodate a visitors bureau and museum.

During the public hearing on October 17<sup>th</sup>, staff explained that the requested closure would involve an exchange of property on Shenandoah Avenue. In return for the vacation of the portion of Shenandoah Avenue requested, the petitioner will dedicate to the City a portion of Official Tax Map Number 3013603 as right-of-way to Shenandoah Avenue. This exchange would be in lieu of sale of the portion of right-of-way to be vacated. There was no one present to speak in favor of or in opposition to the request.

**Considerations:**

Both of the petitioner's parcels are zoned C-3, Central Business District, as are all the adjoining properties. The Hotel Roanoke lies to the northwest, a vacant parcel to the

north, the railroad tracks to the south and Williamson Road to the east.

There are no sewer or gas lines under the said portion of right-of-way. Staff received comments from AEP, which stated that it has facilities at the site and would need to retain an easement and from Verizon, which stated that any existing telephone plants be grandfathered.

The proposed vacation in and of itself will not have a discernible impact on traffic in the area. Development and subsequent operation of facilities at the site will increase traffic at the intersection of Shenandoah Avenue and Williamson Road. However, the changes to said portion of right-of-way will have little to no impact on the flow of traffic at the intersection. City staff is working with the petitioner to ensure that the turning radius from Williamson Road onto Shenandoah Avenue is as safe and accessible as possible.

Staff received no comments in opposition to the petitioner's request.

City Council is authorized to sell this vacated portion of alley, if it so chooses. Section 15.2-2008 of the Virginia Code (1950), as amended, authorizes a City to require an abutting property owner to purchase the vacated right-of-way as a condition of the vacation. Under such an arrangement, the price may be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties.

The petitioner and the City of Roanoke have agreed to an exchange of portions of rights-of-way in lieu of sale for the said portion of right-of-way to be vacated. The City Engineer advised that the said portion of right-of-way should be vacated in exchange for the petitioner's dedication to the City of a portion of right-of-way at the westernmost portion of the petitioner's property on Shenandoah Avenue.

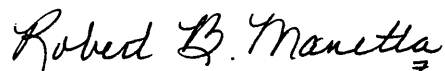
#### Recommendation:

Planning Commission recommends approval of the petitioner's request to close, discontinue and vacate this portion of Shenandoah Avenue, N.E., subject to the conditions set forth below.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress, and effect the exchange of property desired by the parties in this matter.

- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,



Robert B. Manetta, Chairman  
Roanoke City Planning Commission

attachment

cc: Darlene L. Burcham, City Manager  
Roland Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Stephen Lemon, Attorney for the Petitioner

**IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA**

IN RE:	)	
	)	APPLICATION FOR VACATION, DISCONTINUING
Application of Western Virginia	)	AND CLOSING OF A PORTION OF SHENANDOAH
Foundation for the Arts and Sciences,	)	AVENUE, N.E., ADJACENT TO ROANOKE CITY
a Virginia non stock corporation for	)	TAX MAP NOS. 3013603 AND 3013604
vacation of a portion of Shenandoah	)	
Avenue, N.E., adjacent to Roanoke	)	
City Tax Map Nos. 3013603 and	)	
3013604	)	

**MEMBERS OF COUNCIL:**

The Western Virginia Foundation for the Arts and Sciences ("WVFAS"), by counsel, applies to have a portion of Shenandoah Avenue, N.E., adjacent to Roanoke City Tax Map Nos. 3013603 and 3013604, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Section 15.2-2006 Virginia Code (1950), as amended and Section 30-14, Code of the City of Roanoke (1979), as amended. The portion of Shenandoah Avenue to be vacated is more particularly described on the attached plat.

WVFAS, states that the grounds for this application are as follows:

- (1) The applicant desires to use the property to be vacated in combination with its adjoining property to create a single economically viable parcel which may be utilized in connection with the rehabilitation of the former Norfolk & Western Passenger Station for use as the proposed Roanoke Valley Visitors and Convention Bureau and the O. Winston Link Museum.
- (2) The rights-of-way in question are not necessary for adequate ingress or egress to any adjoining property and are further not necessary for through traffic.
- (3) WVFAS proposes to exchange the property owned by WVFAS and delineated on the attached plat as "to be conveyed and made a part of the right of way of Shenandoah Avenue" for the right of way in question.

WHEREFORE, WVFAS respectfully requests that the above-described street be vacated by the Council of the City of Roanoke, Virginia, in accordance with the Section 15.2-2006 Virginia Code (1950), as amended and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted

WESTERN VIRGINIA FOUNDATION FOR  
THE ARTS AND SCIENCES

By 

September 5, 2002

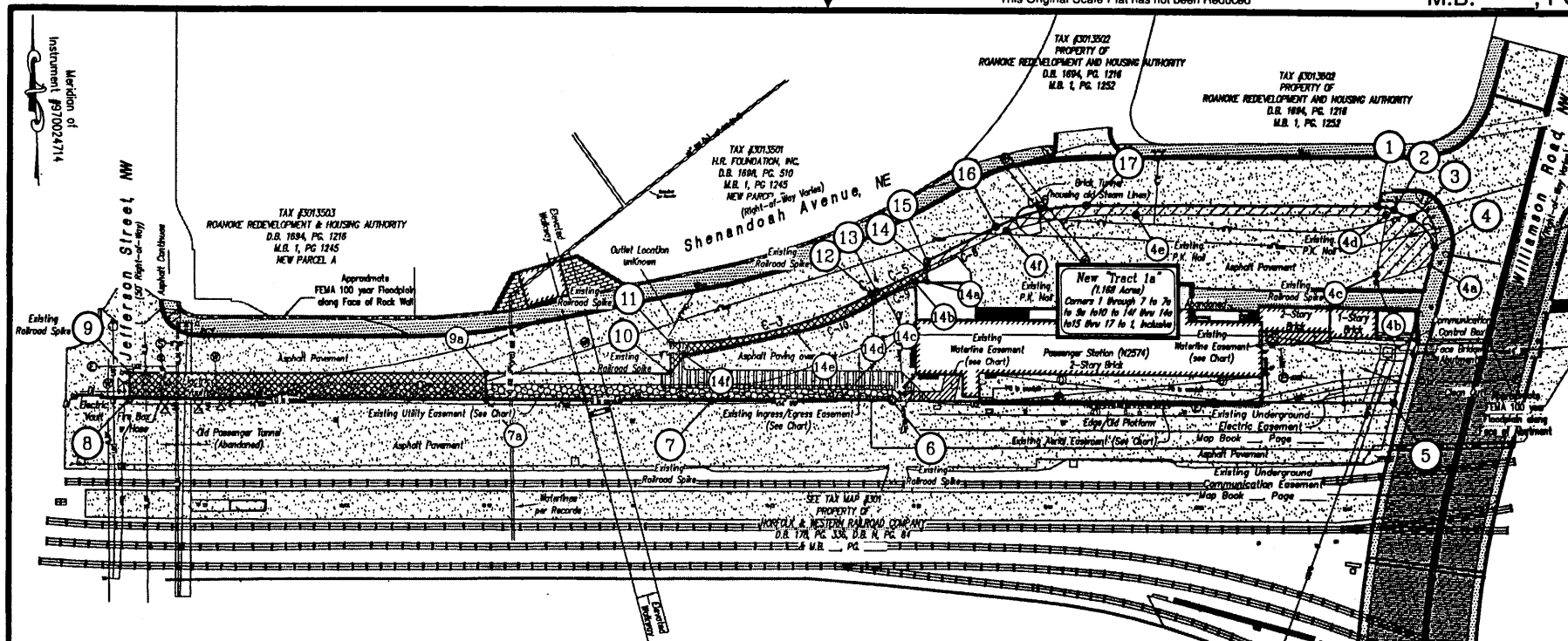
James C. Sears  
President

Stephen W. Lemon  
Martin, Hopkins, & Lemon, P.C.  
P.O. Box 13366  
Roanoke, VA 24033  
1000 First Union Tower  
10 S. Jefferson Street  
Roanoke, VA 24011  
Telephone: (540) 982-1000  
Facsimile: (540) 982-2015

**EXHIBIT B**

<u>Official Tax Map. No. / Street Address</u>	<u>Name of Property Owner</u>	<u>Mailing Address</u>
N/A	Norfolk & Southern	110 Franklin Road, S.E. Roanoke, VA 24011
3013501	H. R. Foundation, Inc.	c/o Virginia Tech 312 Burruss Hall Blacksburg, VA 24061
3013502	Roanoke Redevelopment and Housing Authority	P. O. Box 6359 Roanoke, VA 24012
3013503	Roanoke Redevelopment and Housing Authority	P. O. Box 6359 Roanoke, VA 24012
3013602	Roanoke Redevelopment and Housing Authority	P. O. Box 6359 Roanoke, VA 24012
3013603	The Western Virginia Foundation For The Arts and Sciences	1 Market Square, S.E. Roanoke, VA 24011
3013604	The Western Virginia Foundation For The Arts and Sciences	1 Market Square, S.E. Roanoke, VA 24011





BOUNDARY LINE TABLE		
LINE	BEARING	DISTANCE
*1-2	S 75°06'45" E	11.23'
2-3	S 82°07'54" E	13.09'
*3-4	S 37°18'28" E	23.74'
4-5	S 17°07'45" W	104.83'
5-6	N 87°53'01" W	337.12'
6-7	N 87°52'04" W	122.30'
7-8	N 87°38'35" W	390.49'
8-9	N 02°05'42" E	16.71'
9-10	S 87°45'00" E	362.23'
10-11	N 02°15'00" E	20.00'
11-12	N 79°07'35" E	139.96'
*12-13	N 67°11'24" E	3.73'
*13-14	N 67°27'14" E	37.95'
14-15	N 02°12'45" E	4.15'
15-16	N 66°24'47" E	51.73'
*16-17	N 79°09'35" E	62.66'
17-1	S 88°05'37" E	195.04'

\*\* - denotes Chord Bearing and Distance

(0.070 Acres) Property of the City of Roanoke to be conveyed and made of 'New Tract 1a', property of Western Virginia Foundation of the Arts and Sciences		
LINE	BEARING	DISTANCE
*1-2	S 75°06'45" E	11.23'
2-3	S 82°07'54" E	13.09'
*3-4	S 37°18'28" E	23.74'
4-5	S 17°07'45" W	12.41'
5-6	N 87°53'01" W	37.06'
6-7	N 87°52'04" W	3.09'
7-8	N 87°38'35" W	39.25'
8-9	N 02°05'42" E	16.71'
9-10	S 87°45'00" E	237.50'
10-11	N 02°15'00" E	17.16'

\*\* - denotes Chord Bearing and Distance

(0.092 Acres) Property of Western Virginia Foundation of the Arts and Sciences to be conveyed and made part the Right-of-Way of Shenandoah Avenue, NE property of the City of Roanoke		
LINE	BEARING	DISTANCE
7a-8	N 87°38'35" W	237.37'
8-9	N 02°05'42" E	16.71'
9-10	S 87°45'00" E	237.50'
10-11	N 02°15'00" E	17.16'

(0.023 Acres) Property of Western Virginia Foundation of the Arts and Sciences to be conveyed and made part the Right-of-Way of Shenandoah Avenue, NE property of the City of Roanoke		
LINE	BEARING	DISTANCE
14-14a	N 02°12'45" E	9.40'
14a-14b	S 88°01'54" E	8.84'
14b-14c	S 68°43'05" W	22.02'
14c-14d	N 83°14'20" E	8.92'
14d-14e	S 72°02'00" W	56.01'
14e-14f	N 80°49'39" E	76.67'
14f-10	N 40°27'55" E	15.51'
10-11	N 02°15'00" E	20.00'
*11-12	N 79°07'35" E	139.96'
*12-13	N 67°11'24" E	3.73'
*13-14	N 67°27'14" E	37.95'

\*\* - denotes Chord Bearing and Distance

New Tract 1a Line Table		
LINE	BEARING	DISTANCE
*1-2	S 75°06'45" E	11.23'
2-3	S 82°07'54" E	13.09'
*3-4	S 37°18'28" E	23.74'
4-5	S 17°07'45" W	104.83'
5-6	N 87°53'01" W	337.12'
6-7	N 87°52'04" W	122.30'
7-7a	N 87°38'35" W	153.12'
7a-8a	N 02°30'31" E	17.16'
8a-10	S 87°45'00" E	124.73'
10-11	N 40°27'55" E	15.51'
11-14a	N 80°49'39" E	76.67'
14a-14b	N 72°02'00" E	56.01'
14b-14c	N 83°14'20" E	8.92'
14c-14d	N 68°43'05" E	22.02'
14d-14e	S 88°01'54" E	8.84'
14e-15	N 02°12'45" E	13.55'
15-16	N 66°24'47" E	51.73'
*16-17	N 79°09'35" E	62.66'
17-1	S 88°05'37" E	195.04'

\*\* - denotes Chord Bearing and Distance

CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING
C1	25.00'	11.33'	5.76'	11.23'	N 75°06'45" W
C2	26.27'	24.50'	13.09'	23.74'	N 37°18'28" W
C3	308.20'	141.19'	71.85'	139.96'	N 79°07'35" E
C4	90.00'	3.73'	1.87'	3.73'	S 67°11'24" W
C5	4267.81'	37.96'	18.98'	37.95'	S 67°27'14" W
C6	142.00'	63.18'	32.12'	62.66'	S 79°09'35" W
C7	273.92'	88.73'	44.76'	88.34'	S 85°11'50" W
C8	4267.81'	58.87'	29.44'	58.87'	S 68°06'14" W
C9	115.33'	22.06'	11.06'	22.02'	S 68°43'05" W
C10	183.17'	56.23'	28.34'	56.01'	N 72°02'00" E

GRAPHIC SCALE

( IN FEET )  
1 inch = 60 ft.

## ABBREVIATIONS

BLDG BUILDING  
CUP CORRUGATED METAL PIPE  
CONC CONCRETE  
DI DRAINAGE INLET  
ELEC ELECTRICAL  
FIBER OPTIC  
PVC POLY VINYL CHLORIDE PIPE  
RCP REINFORCED CONCRETE PIPE  
RW UNTREATED RIVER WATER  
SD STORM DRAIN  
T TERRACE  
TERRA COTTA PIPE  
U/E UNDERGROUND ELECTRIC  
UGF UNDERGROUND FIBER OPTIC  
UGT UNDERGROUND TELEPHONE  
VIRG VIRGINIA DEPARTMENT OF HIGHWAYS MANHOLE APPROXIMATE



PLAT SHOWING THE COMBINATION  
Tract 1 (1.213 Acres)  
and a  
0.070 Acre portion of  
Shenandoah Avenue, NE  
Creating Hereon New  
Tract 1a (1.168 Acres)  
Property of  
WESTERN VIRGINIA FOUNDATION  
for the ARTS AND SCIENCES  
and Dedicating  
0.115 Acres  
for SHENANDOAH AVENUE, NE  
property of  
THE CITY OF ROANOKE, VIRGINIA  
Situated along  
Shenandoah Avenue, N.E. & Williamson Road, N.W.  
ROANOKE, VIRGINIA

LUMSDEN ASSOCIATES, P.C.  
ENGINEERS-SURVEYORS-PLANNERS  
ROANOKE, VIRGINIA



DATE August 20, 2002  
SCALE 1" = 50'  
SHEET 1 OF 1  
DRAWING NO. 01-284  
CADD FILE 132001004\user\lmsd08e 03.dwg

4664 BRAMBLETON AVENUE, SW  
P.O. BOX 20669  
ROANOKE, VIRGINIA 24018  
PHONE: (540) 774-4411  
FAX: (540) 772-9445  
E-MAIL: MAIL@LUMSDENPC.COM

**KNOW ALL MEN BY THESE PRESENTS TO WIT:**

That Western Virginia Foundation for the Arts and Sciences and the City of Roanoke, Virginia are the fee simple Owners and Proprietors of the land shown hereon to be subdivided, bounded by outside corners 1 through 17 to 1, inclusive, which comprises all of the land conveyed to said Western Virginia Foundation for the Arts and Sciences, recorded in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, in Instrument #000012974, dated \_\_\_\_\_ and comprises all of the land conveyed to said Western Virginia Foundation for the Arts and Sciences, recorded in the aforesaid Clerk's Office Instrument #001000177, dated \_\_\_\_\_ which also comprises all of the land conveyed to said Western Virginia Foundation for the Arts and Sciences in Instrument \_\_\_\_\_.

The said Owner certifies that they have subdivided this land, as shown hereon, entirely with their own free will and consent and pursuant to and in compliance with the Virginia Code of 1950, as required by Sections 15.2-2240 through 15.2-2279, as amended to date, and further pursuant to and in compliance with the City of Roanoke Land Subdivision Ordinances.

In witness whereof are hereby placed the following signatures and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**Western Virginia Foundation  
for the Arts and Sciences**

**Norfolk Southern Corporation**

**STATE OF VIRGINIA**

\_\_\_\_\_ of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the aforesaid \_\_\_\_\_ and State do hereby certify that \_\_\_\_\_ of Western Virginia Foundation for the Arts and Sciences, whose name is signed to the foregoing writing dated \_\_\_\_\_, 2002, has personally appeared before me in my aforesaid \_\_\_\_\_ and State and acknowledged the same on \_\_\_\_\_, 2002.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

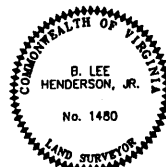
**STATE OF VIRGINIA**

\_\_\_\_\_ of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the aforesaid \_\_\_\_\_ and State do hereby certify that \_\_\_\_\_ of Norfolk Southern Corporation, whose name is signed to the foregoing writing dated \_\_\_\_\_, 2002, has personally appeared before me in my aforesaid \_\_\_\_\_ and State and acknowledged the same on \_\_\_\_\_, 2002.

My commission expires \_\_\_\_\_

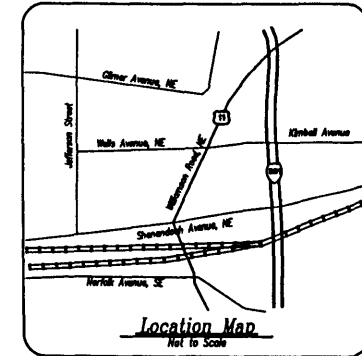
\_\_\_\_\_  
Notary Public

**Notes:**

1. This plat is based on a current field survey.
2. This plat was prepared without the benefit of a current title report.
3. Iron pins set at all corners, unless otherwise noted.
4. This property does lie within the limits of a 100 Year Flood Boundary as designated by FEMA. This opinion is based on an inspection of the Flood Insurance Rate Maps and has been verified by actual field elevations. See Community Panel #51013 0046 D, Map #51161C0046 D, dated October 15, 1993. Zone "A" (no base flood elevations determined)
5. Legal References: **Property of WESTERN VIRGINIA FOUNDATION FOR THE ARTS AND SCIENCES**  
0.839 Acre Tract (Tax #3013603); Instrument #000012974 & Map Book 1, Page 1765  
0.270 Acre Tract (Tax #3013604); Instrument #001000177 & Map Book 1, Page 2189  
**Property of NORFOLK SOUTHERN CORPORATION**  
Deed Book 178, Page 336 & Deed Book N, Page 84
6. For details of Utilities effecting this Property see plat prepared by Lumsden Associates, PC, entitled Boundary and Topographical Survey of 1.109 Acre Tract, being Roanoke City Tax Parcels 3013603 (0.839 Acres) & 3013604 (0.270 Acres) prepared for Spectrum Design, dated January 30, 2002.

BOUNDARY COORDINATES		
Origin of Coordinates Assumed		
Corner	Northing	Easting
1	5162.89221	5452.88435
2	5124.53108	5444.57857
3	5119.45065	5444.34647
4	5128.98577	5480.15819
5	5040.66858	5452.93865
6	5053.11758	5116.04942
7	5057.66793	4993.83254
8	5073.72704	4603.87125
9	5090.42941	4804.28225
10	5076.20832	4968.23288
11	5096.18720	4967.01818
12	5122.57482	5104.48133
13	5124.04084	5107.89981
14	5160.54926	5197.58086
15	5167.94578	5285.81067
16	5167.94578	5285.81067
17	5162.89221	5452.88435
1	5162.89221	5452.88435

Total Area = 1.213 Acres

**APPROVED:**

Agent, Roanoke City Planning Commission \_\_\_\_\_ Date \_\_\_\_\_

City Engineer, Roanoke, Virginia \_\_\_\_\_ Date \_\_\_\_\_

In the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, this map with the certificate of acknowledgment thereto annexed is admitted to record on \_\_\_\_\_, 2002, at \_\_\_\_\_ o'clock \_\_\_\_m.

Testee: Arthur B. Crush, III

\_\_\_\_\_  
Deputy Clerk

PLAT SHOWING  
THE COMBINATION

Tract 1 (1.213 Acres)

and a

0.070 Acre portion of  
Shenandoah Avenue, NE

Creating Hereon New

Tract 1a (1.168 Acres)

Property of

WESTERN VIRGINIA FOUNDATION  
for the ARTS AND SCIENCES

and Dedicating

0.115 Acres

for SHENANDOAH AVENUE, NE

property of

THE CITY OF ROANOKE, VIRGINIA

Situated along  
Shenandoah Avenue, N.E. & Williamson Road, N.W.  
ROANOKE, VIRGINIA

PHONE: (540) 774-4411  
FAX: (540) 772-9445  
E-MAIL: MAIL@LUMSDENPC.COM

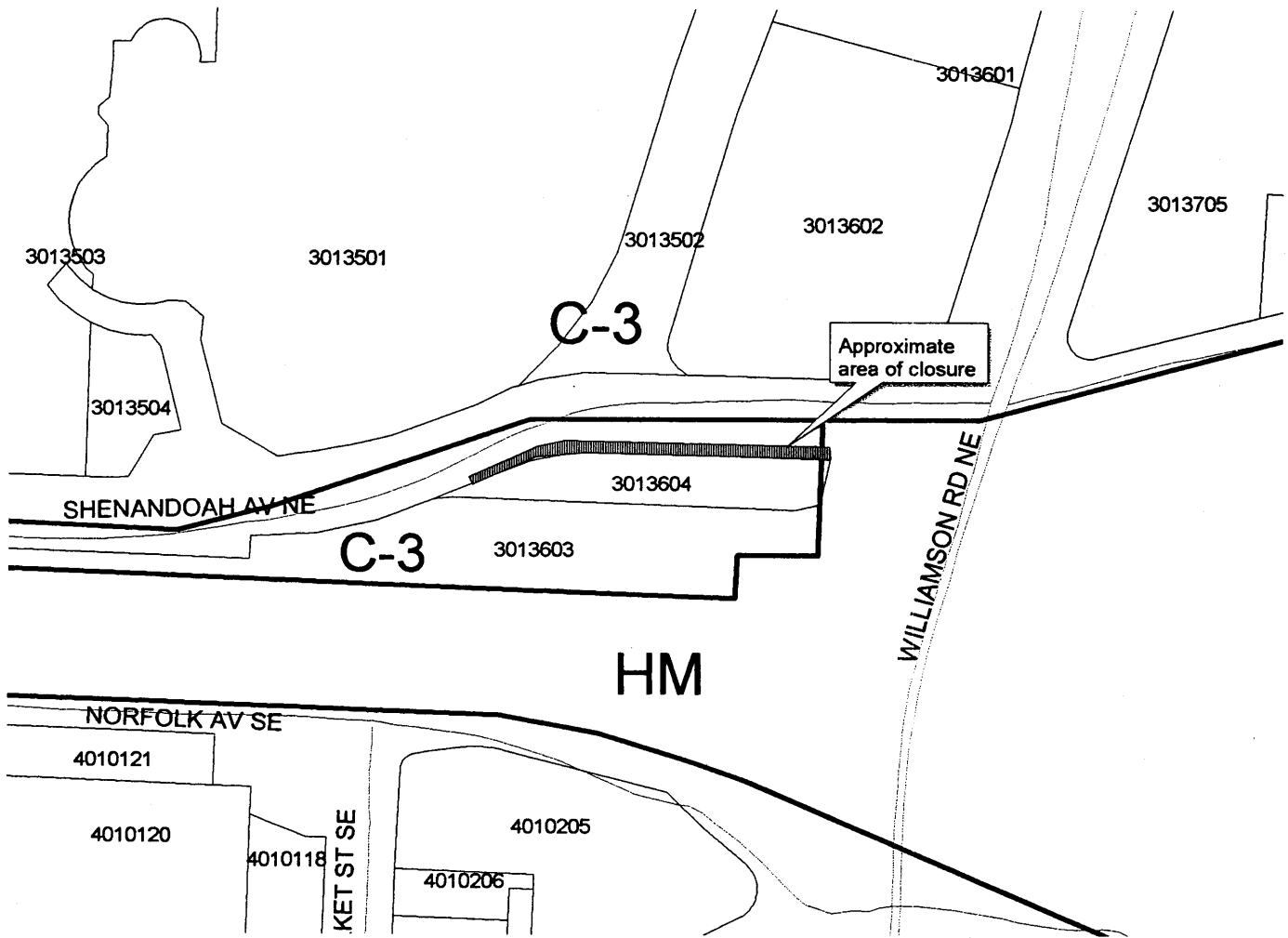
4664 BRAMBLETON AVENUE, SW  
P.O. BOX 20669  
ROANOKE, VIRGINIA 24018

LUMSDEN ASSOCIATES, P.C.  
ENGINEERS-SURVEYORS-PLANNERS  
ROANOKE, VIRGINIA



DATE: May 17, 2002  
SHEET: 1 OF 2  
SCALE: 1" = 50'  
COM. NO.: 01-284  
CADD FILE: L3300A0284\wp0284rps.dwg

# Shenandoah Ave, NE



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, Western Virginia Foundation for the Arts and Sciences, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on November 18, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That portion of Shenandoah Avenue, N.E., as identified in a plat dated August 20, 2002, prepared by Lumsden Associates, P.C., appended to the petition filed in the Office of the City Clerk on September 5, 2002 by the Western Virginia Foundation for the Arts and Sciences (hereinafter referred to as "Plat")

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent

removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant, or its successors in interest, shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant, or its successors in interest, shall dedicate to the City a portion of Official Tax Number 3013603 as right-of-way to be added to Shenandoah Avenue, as set forth in the Plat.

BE IT FURTHER ORDAINED that the applicant, or its successors in interest, shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, or the name of Petitioner's successors in interest, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this

ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FINALLY ORDAINED that if the above conditions have not been met within a period of one (1) year from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

ATTEST:

City Clerk.



## CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

November 18, 2002

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Mike Wells to rezone the rear 25 feet X 50 feet portion of Tax No. 2761421 from RS-3, Residential Single Family District, to C-2, General Commercial District, such rezoning to be subject to certain conditions proffered by the petitioner; and that the conditions set forth in Ordinance No. 32294-121994 for the property located at the corner of Virginia Avenue, N. W. and Westside Boulevard, designated as Official Tax No. 2761409, be repealed and replaced with new conditions.

### Planning Commission Action:

Public hearing was held on Thursday, October 17, 2002, and by a vote of 3-4 (Messrs. Chrisman, Hill and Williams voting for the petition and Messrs. Butler, Campbell, Rife and Manetta voting against the petition), the Commission recommended denial of the request.

### Background:

The original rezoning petition was submitted on February 7, 2002. The petition was considered by the Planning Commission on March 21, 2002, and the Planning Commission recommended denial of the petition by a 1-5 vote. Several residents appeared in opposition to the rezoning.

An amended petition was submitted on April 8, 2002. City Council held a public hearing on the rezoning on April 15, 2002, and voted to approve the request. However, the matter was tabled at its second hearing on May 6, 2002. When the issue was reconsidered at the May 20, 2002, meeting, City Council voted to refer the matter back to the Planning Commission due to errors in the petition relating to the property description.



A second amended petition was filed on September 5, 2002, to correct the property description. The petitioner requests that the rear portion of property located on Virginia Avenue, designated as Official Tax Number 2761421, be rezoned from RS-3 to C-2, subject to certain conditions. Petitioner also is requesting that the proffered conditions on the rear portion of Official Tax Number 2761409, located on an adjacent property, be repealed and replaced with new conditions.

The second amended petition specifies that the following proffered conditions will apply to both properties:

1. The sole use of the subject property to be rezoned shall be as an automobile cleaning facility.
2. The hours of operation shall be limited as follows: Monday through Friday 9:00 a.m. to 7:30 p.m., Saturdays 8:30 a.m. to 6:00 p.m., and Sundays 1:00 p.m. to 6:00 p.m.
3. That petitioner shall construct a 6 to 8 foot tall wooden fence as shown in Exhibit 1.

Mr. Wells owns two adjacent properties at the intersection of Virginia Avenue and Westside Boulevard. City Council approved a rezoning of the rear of Tax Number 2761409 in 1994 from RS-3 to C-2, subject to certain proffered conditions. Proffered conditions for the rezoning were: (1) The use of the subject property to be rezoned shall be an automobile cleaning facility in the existing garage; and (2) signage will be restricted to a single wall sign, not to exceed 20 square feet, to be located on the front of the existing garage facing Westside Boulevard. City Council denied a request to expand the business to Official Tax No. 2761421 in 1996.

The neighborhood is not officially organized. Staff received a phone call in opposition and three letters of opposition received from Fairview United Methodist Church (1310 Van Buren Street, N.W.), Michael V. Shepherd (3829 Virginia Avenue), and Nyoka Porterfield (3829 Virginia Avenue).

On October 17, 2002, the Planning Commission held a public hearing on the matter. Mrs. Betty McCormick (3826 Virginia Avenue, N.W.) spoke in opposition to the request. Mrs. Evelyn D. Bethel (35 Patton Avenue, N.E.) and Mr. Fred Galloway (3402 Kershaw Road, N.W.) spoke in favor of the request.

#### Considerations:

Zoning of most of Virginia Avenue is RS-3, Residential Single Family District, The southeastern corner of Virginia Avenue and Westside Boulevard is zoned C-1, Office District, with conditions (rezoned in 1989). Properties on Melrose Avenue are zoned C-2, General Commercial District. Land uses reflect the zoning pattern. The land use along Virginia Avenue is primarily residential. Land use of properties facing Melrose Avenue is commercial.

***Vision 2001-2020*** Comprehensive Plan recommends the following land use and development policies:

- **ED P6. Commercial Development:** Roanoke will encourage commercial development in appropriate areas (i.e. key intersections and centers) to serve the needs of citizens and visitors.
- **NH P2. Housing and Neighborhoods:** Neighborhoods will function as villages, offering opportunities to live, work shop, play and interact in a neighborhood setting. Neighborhood-oriented commercial activity will be encouraged in well-defined village centers.

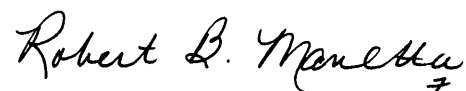
The property is not an appropriate area for commercial expansion because of its residential nature. The property is not located in an identifiable commercial center. Though it is adjacent to strip commercial development, the property demarcates the change between residential and commercial uses.

The Melrose Avenue corridor has an abundance of commercially-zoned property that is currently vacant. According to real estate records, there are 34 properties that are both vacant/underutilized and zoned C-2 within ½ mile of the property. Eighty such properties are located within one mile of the site. Rather than encourage encroachment into an established residential area, a majority of the Commission believes that existing commercially-zoned property is available and should be occupied before expansion of the commercial district is considered.

Recommendation:

Planning Commission recommends that City Council deny the request. The proposed rezoning is not in accordance with ***Vision 2001-2020***. In addition, there are numerous other vacant/underutilized properties in the immediate area that are already zoned C-2.

Respectfully submitted,



Robert B. Manetta, Chairman  
City of Roanoke Planning Commission

attachments

C: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Roy V. Creasy, Counsel for Petitioner

SECOND AMENDED PETITION

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Request to amend conditions proffered and approved under Ordinance No. 32294-121994, for property identified as Official Tax No. 2761409, located at the corner of Virginia Avenue, N.W. and Westside Boulevard, N.W., and to rezone 0.03 acres of land, located at the rear of the lot identified as Official Tax No. 2761421, such lot fronting on Virginia Avenue, N.W., subject to certain conditions proffered by the Petitioner.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY  
OF ROANOKE

The Petitioner, Michael A. Wells, owns land in the City of Roanoke as identified as Official Tax Number 2761421 currently zoned RS-3, Residential Single Family District and Official Tax No. 2761409 (3904 Virginia Avenue, N.W.) currently zoned in part RS-3 Residential Single Family District, and in part C-2, General Commercial District, with conditions. A map of the property to be rezoned is attached as Exhibit "1".

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the rear 25 feet x 50 feet portion of property identified as Official Tax Number 2761421 be rezoned from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions set forth below, for the purpose of expanding an existing automobile cleaning facility; said portion to be defined as follows:

Beginning at a point on the northerly side of a 10' alley intersecting the westerly side of Westside Boulevard N.W.; said point being at the southwest corner of Lot 10, Block 22,

Map of Washington Heights, thence N. 66°30'W. 50 feet; thence N. 23°30'E. 25 feet; thence S. 66°30'E. 50 feet to a point on the easterly boundary line of said Lot 10, thence with the said boundary line S. 23°30'W. 25 feet to the point and place of beginning.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will provide a needed commercial service. The Petitioner requests to construct a 25'x30'x10' post frame building located on said property to be rezoned. See Exhibit "2".

The Petitioner requests that the existing proffers contained in Ordinance No. 32294-121994 for property identified as Official Tax Number 2761409 be repealed and replaced, and hereby offers and agrees that if the said tract is rezoned as requested, that the rezoning will be subject to, and that the Petitioner shall abide by, the following conditions on both parcels, identified by Official Tax Nos. 2761409 and 2761421.

1. The sole use of the subject property to be rezoned shall be as an automobile cleaning facility.

2. The hours of operation shall be limited as follows:

Monday through Friday 9:00 a.m. to 7:30 p.m.

Saturdays from 8:30 a.m. to 6:00 p.m.

Sundays from 1:00 p.m. to 6:00 p.m.

3. That Petitioner shall construct a 6 to 8 foot tall wooden fence as shown on Exhibit 1.

Attached as Exhibit "3" are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to or immediately across a street/road from the property to be rezoned.

WHEREFORE, the Petitioner requests that the above described tract be rezoned in

accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

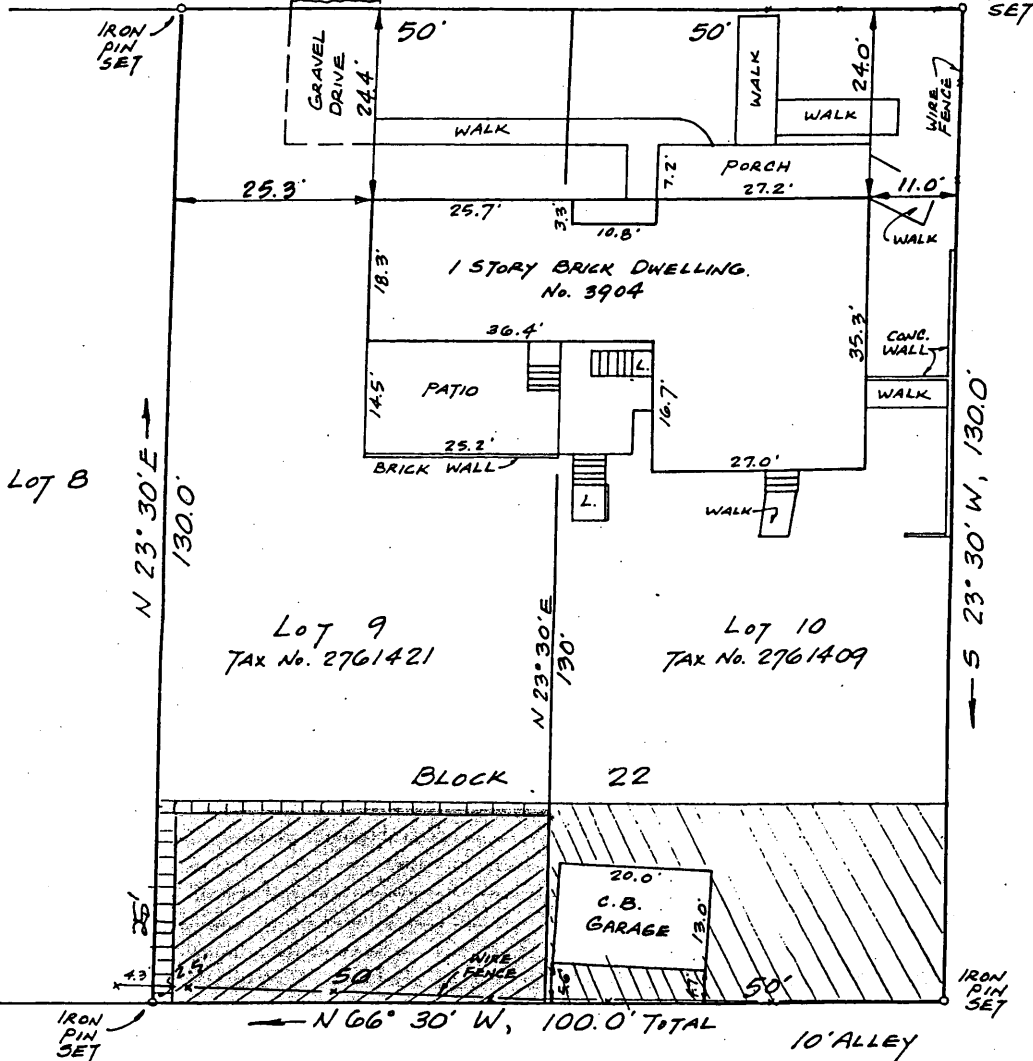
Respectfully submitted,

  
Michael A. Wells

Roy V. Creasy, Esq.  
213 S. Jefferson Street Suite 915  
Roanoke, VA 24017  
(540) 342-0729  
Attorney for Owner

VIRGINIA AVENUE, N.W.  
60' R/W

S 66° 30' E — 100.0' TOTAL



FENCE NEW REZONING OLD REZONING

LEGAL REFERENCE:  
P.B. 1, PG. 43 (ROA. Co.)

NOTE: THE SUBJECT PROPERTY IS NOT LOCATED IN SPECIAL FLOOD  
HAZARD ZONES "A" OR "B" AS DESIGNATED BY THE  
SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

SITE PLAN FOR

MICHAEL A. WELLS

OF LOTS 9 & 10, BLOCK 22, MAP OF WASHINGTON HEIGHTS

ROANOKE,

VIRGINIA

SCALE: 1" = 20'

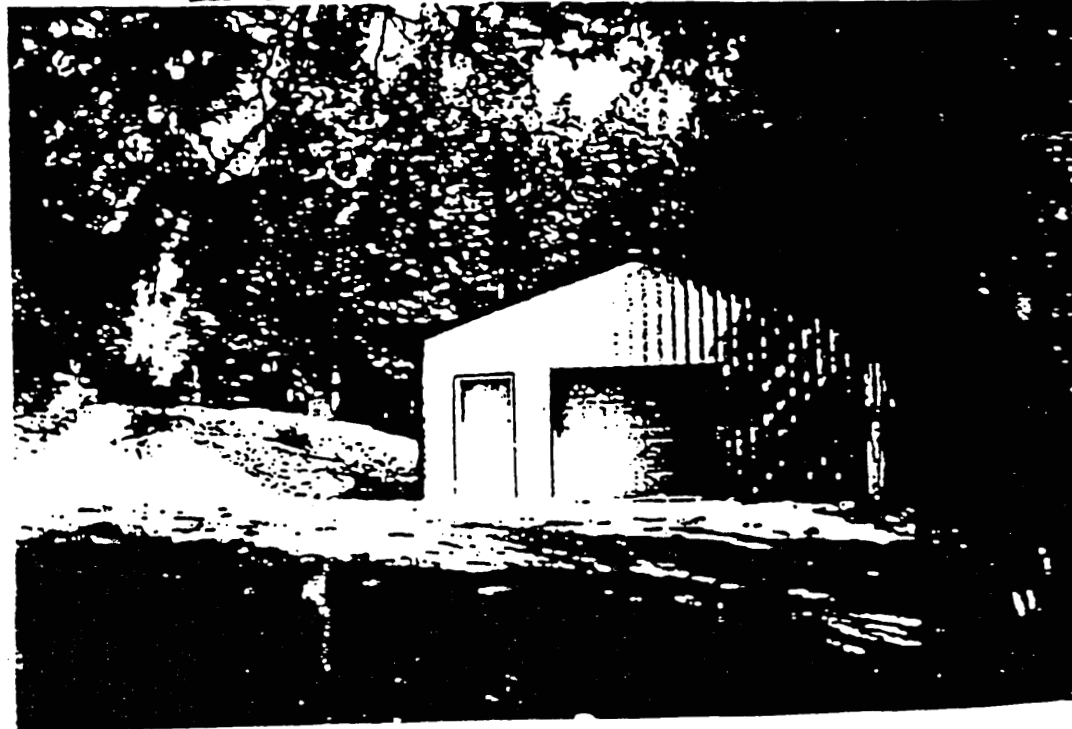
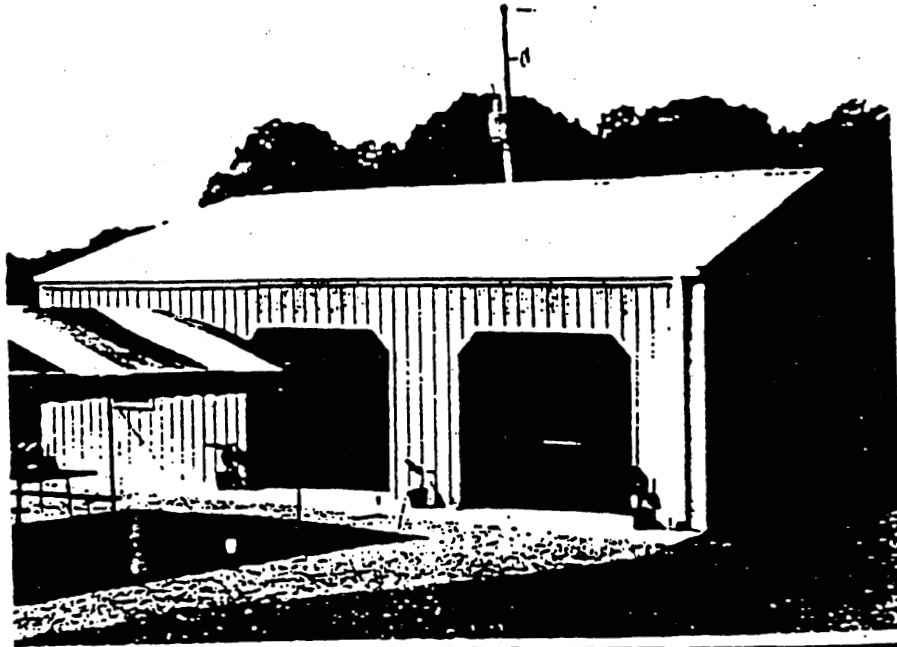
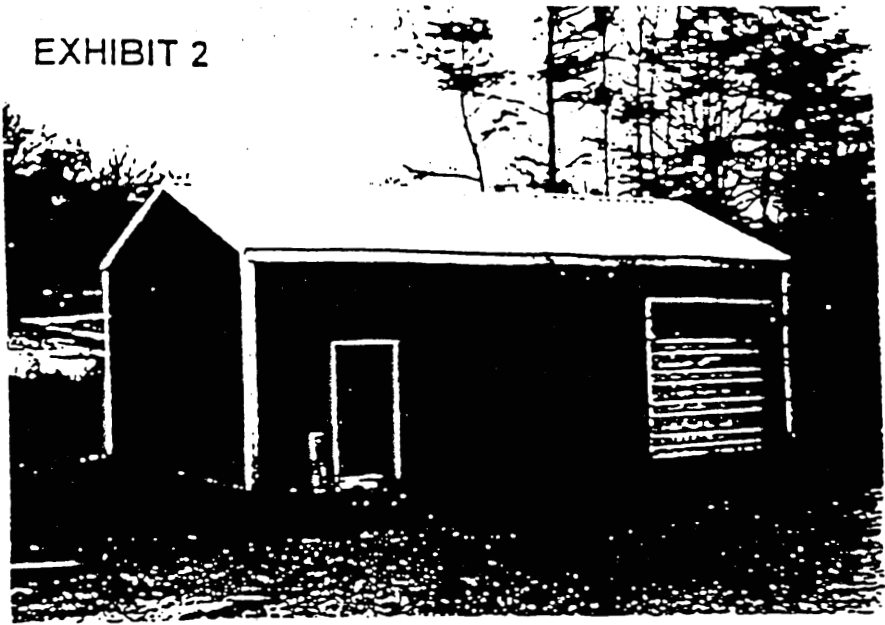
SEPT. 24, 1990

By: JACK G. BESS  
CERTIFIED LAND SURVEYOR



N.B. J-2 D-901254

EXHIBIT 2



25X 30

PRICE BUILDINGS, INC. →  
1111 Callaway Road  
Rocky Mount, VA 24151  
(540) 483-7228

✓

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No.276, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property bearing Official Tax No. 2761409, previously conditionally rezoned C-2, General Commercial District, by the adoption of Ordinance No. 32294-121994, and to rezone a portion of property bearing Official Tax No. 2761421 from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions, and dispensing with the second reading of this ordinance by title.

WHEREAS, Michael A. Wells filed an application to the Council of the City of Roanoke to amend certain conditions presently binding upon a tract of land identified as Official Tax No. 2761409, which property was previously conditionally rezoned by the adoption of Ordinance No. 32294-121994, on December 19, 1994, and to rezone a portion of property bearing Official Tax No. 2761421 from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §§36.1-693 and 36.1-698, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on November 18, 2002, after due and timely notice thereof as required by §§36.1-693 and 36.1-698,



Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon the above-described property should be amended, and the adjacent property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Sheet No. 276 of the Sectional 1976 Zone Map, City of Roanoke, be amended, in order to amend certain conditions presently binding upon certain property bearing Official Tax No. 2761409, previously conditionally rezoned C-2, General Commercial District, by the adoption of Ordinance No. 32294-121994, and to rezone a portion of property bearing Official Tax No. 2761421 from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to the proffered conditions contained in said Second Amended Petition filed in the Office of the City Clerk on September 5, 2002.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.